

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, April 19, 2011

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

The prayer was offered by Pastor David Swonger, House of Prayer Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of rejecting the introduction of a bill for an Act to amend and reenact section 57-38-35.2, subsection 1 of section 57-38-45, and section 57-38-62 of the North Dakota Century Code, relating to income tax penalties, interest, and underpayment of estimated taxes; and to provide an effective date.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1016 and Engrossed HB 1194, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1016: Sens. Grindberg, Erbele, Warner

Engrossed HB 1194: Sens. Cook, Miller, Dotzenrod

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. NODLAND MOVED that the conference committee report on SB 2044 as printed on SJ pages 1524-1525 be adopted, which motion prevailed on a voice vote.

SB 2044, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to amend and reenact subsection 3 of section 39-12-02 and section 39-12-08 of the North Dakota Century Code, relating to fees for issuing overweight permits and fees for overweight permit violations for counties; to provide for a legislative management study; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kiltzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2044 passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. DEVER MOVED that the conference committee report on Reengrossed HB 1468 as printed on SJ pages 1525-1526 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1468, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1468: A BILL for an Act to amend and reenact section 37-14-14 of the North Dakota Century Code, relating to the veterans' postwar trust fund; and to provide for an appropriation to the department of veterans' affairs and for a transfer from the department of veterans' affairs.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed HB 1468, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. OLAFSON MOVED that the conference committee report on Engrossed HCR 3047 as printed on SJ pages 1526-1527 be adopted, which motion prevailed on a voice vote.

Engrossed 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 6 of article IV of the Constitution of North Dakota, relating to the appointment of a member of the legislative assembly to a full-time appointive state office.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read. The roll was called and there were 39 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Kilzer; Klein; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nething; Nodland; O'Connell; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner

NAYS: Dever; Holmberg; Krebsbach; Mathern; Nelson; Robinson; Schneider; Warner

Engrossed HCR 3047, as amended, was declared adopted on a recorded roll call vote.

MOTION

SEN. CHRISTMANN MOVED that Sen. Dever replace Sen. Cook on the Conference Committee on HB 1447, which motion prevailed on a voice vote.

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

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

HB 1016: Sens. Grindberg; Erbele; Warner

HB 1194: Sens. Cook; Miller; Dotzenrod

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

MR. PRESIDENT: The Speaker has appointed Rep. Monson to replace Rep. Skarphol on

the Conference Committee on SB 2013.

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

MR. SPEAKER: The President has appointed Sen. Dever to replace Sen. Cook on the Conference Committee on HB 1447.

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

MR. PRESIDENT: The House has not adopted the conference committee report on: SB 2042.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1468, HCR 3047.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2044.

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 1005, HB 1019, HB 1041, HB 1174.

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 2281.

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 1269.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1006, HB 1074, HB 1085, HB 1091, HB 1124, HB 1142, HB 1144, HB 1152, HB 1204, HB 1225, HB 1246, HB 1318, HCR 3016.

MOTION

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

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

REPORT OF CONFERENCE COMMITTEE

SB 2309, as engrossed: Your conference committee (Sens. Uglem, Dever, Mathern and Reps. Kasper, Ruby, Gruchalla) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1289-1290, adopt amendments as follows, and place SB 2309 on the Seventh order:

That the House recede from its amendments as printed on pages 1289 and 1290 of the Senate Journal and pages 1450 and 1451 of the House Journal and that Engrossed Senate Bill No. 2309 be amended as follows:

Page 1, line 9, after the underscored closing bracket insert "likely"

Page 1, line 10, after the first "and" insert "may"

Page 1, after line 14, insert:

- "3. No provision of the Patient Protection and Affordable Care Act or the Health Care and Education Reconciliation Act of 2010 may interfere with an individual's choice of a medical or insurance provider except as otherwise provided by the laws of this state."

Renumber accordingly

Engrossed SB 2309 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. DEVER MOVED that the conference committee report on Engrossed SB 2309 as printed on SJ page 1539 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2309, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to federal health care reform legislation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Luick; Lyson; Miller; Nething; Nodland; O'Connell; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Wanzek; Wardner

NAYS: Dotzenrod; Heckaman; Krebsbach; Lee, J.; Marcellais; Mathern; Murphy; Nelson; Oehlke; Robinson; Schneider; Taylor; Triplett; Uglem; Warner

Reengrossed SB 2309 passed.

REPORT OF CONFERENCE COMMITTEE

SB 2050, as engrossed: Your conference committee (Sens. Cook, Oehlke, Dotzenrod and Reps. Wrangham, Streyle, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 899, adopt amendments as follows, and place SB 2050 on the Seventh order:

That the House recede from its amendments as printed on page 899 of the Senate Journal and page 1071 of the House Journal and that Engrossed Senate Bill No. 2050 be amended as follows:

Page 1, line 1, after "40-58-20" insert "and sections 40-58-20.2 and 40-58-20.3"

Page 1, replace line 20 with "any land that has been assessed as agricultural property within the last ten years unless it was located within the interior boundaries of a city for at least ten years."

Page 2, line 5, remove "Tax increments computed for a development or renewal area under this"

Page 2, replace lines 6 through 9 with:

- "a. For a tax increment district established before July 1, 2011, the base year for tax increments computed for a development or renewal area under this section or section 40-58-20.1 may not be used for more than twenty-five taxable years without the governing body of the municipality establishing a new base year using taxable values established as of February first of the following year, which are not more than fifteen years old. Regardless of length of the initial district, the new base year may be used to compute tax increments for up to an additional fifteen years after which time the tax increment district must be closed, except that the original base year for tax increments pledged for an indebtedness incurred before July 1, 2011, may continue until the indebtedness is paid.
- b. For a tax increment district established after July 1, 2011, the base year for tax increments computed for a development or renewal area under this section or section 40-58-20.1 may not be used for more than twenty-five taxable years without the governing body of the

municipality establishing a new base year using taxable values established as of February first of the following year, which are not more than fifteen years old. The new base year may be used to compute tax increments for up to an additional five years after which time the tax increment district must be closed."

Page 2, line 15, replace "may" with "shall"

Page 2, after line 18, insert:

"SECTION 4. Section 40-58-20.2 of the North Dakota Century Code is created and enacted as follows:

40-58-20.2. Tax increment financing proposal - Public hearing - Invitation to representatives of affected taxing districts.

Before approval of a development or renewal plan for any development or renewal area under section 40-58-20, the governing body of the municipality shall conduct a public hearing on the proposal. The governing body shall provide invitations to participate in the public hearing to the governing body of each county, school district, and park district within the development or renewal area. At a minimum, the governing body of the municipality shall provide the following information at the public hearing:

1. The anticipated costs of development of property to be reimbursed by tax incentives.
2. The anticipated annual revenue from tax increments which will be received to complete the development or renewal plan.
3. The anticipated date when the plan will be completed, the costs will be fully paid, and the tax increments will be released.
4. The estimate of the dollars annually attributable to the levies from each taxing entity which will be credited to the tax increment fund.

SECTION 5. Section 40-58-20.3 of the North Dakota Century Code is created and enacted as follows:

40-58-20.3. Tax increment financing reports.

For each development or renewal plan for any development or renewal area under section 40-58-20 in existence at the end of a calendar year, the governing body of the municipality shall file an annual report with the department of commerce, by the following July thirty-first, which is in a format prescribed by the department. The report must include:

1. The total of outstanding indebtedness.
2. The balance of funds on hand.
3. The name of the tax increment financing district."

Renumber accordingly

Engrossed SB 2050 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. COOK MOVED that the conference committee report on Engrossed SB 2050 as printed on SJ pages 1540-1541 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2050, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2050: A BILL for an Act to create and enact a new subsection to section 40-58-20 and

sections 40-58-20.2 and 40-58-20.3 of the North Dakota Century Code, relating to tax increment financing districts; and to amend and reenact subsection 2 of section 40-58-01.1 and subsection 1 of section 40-58-20 of the North Dakota Century Code, relating to tax increment financing by cities.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2050 passed.

REPORT OF CONFERENCE COMMITTEE

SB 2009, as engrossed: Your conference committee (Sens. Christmann, Wanzek, O'Connell and Reps. Monson, Skarphol, Williams) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1120-1122, adopt amendments as follows, and place SB 2009 on the Seventh order:

That the House recede from its amendments as printed on pages 1120-1122 of the Senate Journal and pages 1209-1211 of the House Journal and that Engrossed Senate Bill No. 2009 be amended as follows:

Page 1, line 6, after "fees" insert "; to provide for a transfer; to provide an exemption"

Page 1, replace lines 16 and 17 with:

"Salaries and wages	\$8,566,196	\$1,146,168	\$9,712,364
Operating expenses	6,094,603	356,850	6,451,453"

Page 1, remove lines 22 through 24

Page 2, replace lines 1 and 2 with:

"Crop harmonization board	<u>50,000</u>	<u>25,000</u>	<u>75,000</u>
Total all funds	\$21,316,349	\$1,676,748	\$22,993,097
Less estimated income	<u>14,094,466</u>	<u>706,785</u>	<u>14,801,251</u>
Total general fund	\$7,221,883	\$969,963	\$8,191,846
Full-time equivalent positions	74.50	2.50	77.00"

Page 2, line 14, replace "\$4,627,709" with "\$5,103,037"

Page 2, replace lines 18 through 22 with:

"SECTION 5. TRANSFER - ENVIRONMENT AND RANGELAND PROTECTION FUND - MINOR USE PESTICIDE FUND. The agriculture commissioner shall transfer \$200,000 from the environment and rangeland protection fund to the minor use pesticide fund during the biennium beginning July 1, 2011, and ending June 30, 2013."

Page 2, line 23, after "**FUND**" insert "**- TRANSFER**"

Page 2, line 24, remove ", or so much of the sum as may be"

Page 2, line 25, remove "necessary,"

Page 2, line 25, after "fund" insert "which the game and fish department shall transfer to the agriculture commissioner"

Page 2, after line 27, insert:

"SECTION 7. ESTIMATED INCOME - STATE WATER COMMISSION - TRANSFER. The estimated income line item in section 1 of this Act includes the sum of \$250,000 which the state water commission shall transfer to the agriculture commissioner for the wildlife services program, for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 8. EXEMPTION - JOHNE'S DISEASE CONTROL. The amount appropriated for Johne's disease control in section 1 of chapter 61 of the 2009 Session Laws is not subject to section 54-44.1-11 and any unexpended appropriations may be continued into the biennium beginning July 1, 2011, and ending June 30, 2013."

Page 4, overstrike line 18

Page 4, line 19, overstrike "tax commissioner" and insert immediately thereafter "off premises events"

Page 4, line 19, remove "In addition, the agriculture commissioner may issue special events"

Page 4, line 20, remove "permits to promote the wine industry in this state."

Page 5, line 14, overstrike ", at a designated trade show, convention, festival, or similar event"

Page 5, line 15, overstrike "approved by the tax commissioner" and insert immediately thereafter "at off premises events"

Page 5, line 15, remove "In addition, the agriculture commissioner may"

Page 5, line 16, remove "issue special events permits to promote the spirits industry in this state."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2009 - Department of Agriculture - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$9,303,178	\$9,384,828	\$327,536	\$9,712,364	\$9,712,364	
Operating expenses	6,548,199	6,368,661	82,792	6,451,453	6,451,453	
Capital assets	17,000	17,000		17,000	17,000	
Grants	3,095,828	3,170,828		3,170,828	3,170,828	
State Board of Animal Health	1,949,052	2,149,052		2,149,052	2,149,052	
Wildlife Services	1,067,400	1,417,400		1,417,400		1,417,400
Crop Harmonization Board	50,000	50,000	25,000	75,000	50,000	25,000
Wildlife depredation					1,000,000	(1,000,000)
Total all funds	\$22,030,657	\$22,557,769	\$435,328	\$22,993,097	\$22,550,697	\$442,400
Less estimated income	13,645,923	14,365,923	435,328	14,801,251	14,657,451	143,800
General fund	\$8,384,734	\$8,191,846	\$0	\$8,191,846	\$7,893,246	\$298,600
FTE	74.50	75.00	2.00	77.00	77.00	0.00

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

Adds Anhydrous	Adds Funding for Crop	Total Conference
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	Ammonia Inspection Positions ¹	Harmonization Board ²	Committee Changes
Salaries and wages	\$327,536		\$327,536
Operating expenses	82,792		82,792
Capital assets			
Grants			
State Board of Animal Health			
Wildlife Services			
Crop Harmonization Board		25,000	25,000
Wildlife depredation			
Total all funds	\$410,328	\$25,000	\$435,328
Less estimated income	410,328	25,000	435,328
General fund	\$0	\$0	\$0
FTE	2.00	0.00	2.00

¹ Two anhydrous ammonia inspector positions and related operating expenses are added with funding from the environment and rangeland protection fund. House Bill No. 1321 transfers anhydrous ammonia inspection duties from the Insurance Commissioner to the Agriculture Commissioner. These positions were also added by the House.

² Funding from the environment and rangeland protection fund is added for expenses of the Crop Harmonization Board.

This amendment also:

- Adjusts Section 4 regarding funding provided from the environment and rangeland protection fund.
- Removes Section 5 that provides \$40,000 from the anhydrous ammonia storage facility inspection fund to the Agriculture Commissioner. House Bill No. 1321 eliminates the anhydrous ammonia storage facility inspection fund and deposits fund revenues in the environment and rangeland protection fund. This section was also removed by the House.
- Adjusts Section 6 to require the Game and Fish Department to transfer \$1,068,261 of funding from the game and fish fund to the Agriculture Commissioner for various Department of Agriculture programs. The House provided the Agriculture Commissioner with \$599,461 of funding from the game and fish fund.
- Revises Sections 9 and 10 as provided in the House amendments regarding special events permits for wine and spirits promotion.
- Adds a section to authorize the Agriculture Commissioner to transfer \$200,000 from the environment and rangeland protection fund to the minor use pesticide fund.
- Adds a section to authorize funding for Johne's disease control provided in 2009 Senate Bill No. 2342 to be continued into the 2011-13 biennium.
- Adds a section to require the State Water Commission to transfer \$250,000 to the Agriculture Commissioner for the Wildlife Services program. The House provided the Agriculture Commissioner with \$100,000 of funding from the State Water Commission for wildlife depredation.

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WANZEK MOVED that the conference committee report on Engrossed SB 2009 as printed on SJ pages 1543-1544 be adopted, which motion prevailed on a voice vote.

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

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the

agriculture commissioner; to amend and reenact sections 4-01-21 and 4-01-23, subsection 2 of section 5-01-17, subsection 2 of section 5-01-19, and sections 19-20.1-03, 19-20.1-03.1, and 19-20.1-06 of the North Dakota Century Code, relating to the salary of the agriculture commissioner, the promotion of sustainably grown commodities, domestic wineries and domestic distilleries, and fertilizer distribution registration, licensing, and inspection fees; to provide for a transfer; to provide an exemption; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

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

REPORT OF CONFERENCE COMMITTEE

HB 1005, as engrossed: Your conference committee (Sens. Erbele, Holmberg, O'Connell and Reps. Wieland, Kreidt, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1105, adopt amendments as follows, and place HB 1005 on the Seventh order:

That the Senate recede from its amendments as printed on page 1105 of the House Journal and pages 794 and 795 of the Senate Journal and that Engrossed House Bill No. 1005 be amended as follows:

Page 1, replace lines 12 and 13 with:

"Operating expenses	<u>126,505</u>	<u>95,000</u>	<u>221,505</u>
Total general fund	\$682,585	\$140,293	\$822,878"

Page 1, line 20, after "**PROGRAM**" insert "**- REPORT TO SIXTY-THIRD LEGISLATIVE ASSEMBLY**"

Page 1, line 24, after the period insert "The Indian affairs commission shall report to the appropriations committees of the sixty-third legislative assembly on the use of the funding provided for this program in the operating expenses line item in section 1 of this Act, including statistics on the effectiveness of the program, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - Indian Affairs Commission - Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$601,373	\$601,373		\$601,373	\$601,373	
Operating expenses	<u>246,505</u>	<u>196,505</u>	25,000	<u>221,505</u>	<u>246,505</u>	(25,000)
Total all funds	\$847,878	\$797,878	\$25,000	\$822,878	\$847,878	(\$25,000)
Less estimated income	<u>0</u>	<u>0</u>	0	<u>0</u>	<u>0</u>	0
General fund	\$847,878	\$797,878	\$25,000	\$822,878	\$847,878	(\$25,000)
FTE	4.00	4.00	0.00	4.00	4.00	0.00

Department No. 316 - Indian Affairs Commission - Detail of Conference Committee

Changes

	Adds Funding for Suicide Prevention Program ¹	Total Conference Committee Changes
Salaries and wages		
Operating expenses	25,000	25,000
Total all funds	\$25,000	\$25,000
Less estimated income	0	0
General fund	\$25,000	\$25,000
FTE	0.00	0.00

¹ This amendment adds \$25,000 for the suicide prevention program directed at Native American tribes to provide a total of \$75,000. The House provided \$50,000 for the program, and the Senate provided \$100,000.

A section is added providing for a report to the 63rd Legislative Assembly on the use of funding provided for a suicide prevention program directed at Native American tribes, including statistics on the effectiveness of the program, for the 2011-13 biennium.

Engrossed HB 1005 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ERBELE MOVED that the conference committee report on Engrossed HB 1005 as printed on SJ pages 1545-1546 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1005, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed HB 1005, as amended, passed.

REPORT OF CONFERENCE COMMITTEE

HB 1269, as reengrossed: Your conference committee (Sens. Olafson, Lyson, Nelson and Reps. Dahl, DeKrey, Guggisberg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1332, adopt amendments as follows, and place HB 1269 on the Seventh order:

That the Senate recede from its amendments as printed on page 1332 of the House Journal and page 1004 of the Senate Journal and that Reengrossed House Bill No. 1269 be amended as follows:

Page 1, line 3, after "62.1-02-01" insert "and subsection 3 of section 62.1-04-03"

Page 1, line 4, replace "for application" with "an appropriation"

Page 1, line 4, remove the second "and"

Page 1, line 4, remove the second "for"

Page 1, line 5, replace "retroactive application" with "a contingent effective date; and to declare an emergency"

Page 4, line 29, remove "The petitioner may appeal a denial of the"

Page 4, line 30, remove "requested relief, and review on appeal is de novo."

Page 5, replace lines 7 through 13 with:

"SECTION 4. AMENDMENT. Subsection 3 of section 62.1-04-03 of the North Dakota Century Code is amended and reenacted as follows:

3. The sheriff is required to process the application within thirty days after the completion of the testing portion unless the application is for renewal of a license and in such case the application must be processed within thirty days after its receipt by the sheriff, the chief of police is required to process the application within ten working days of receipt by the agency, and the bureau of criminal investigation is required to process the application and make a determination within ~~thirty~~forty-five days of receipt from the forwarding agency.

SECTION 5. APPROPRIATION. There is appropriated the sum of \$585,859, or so much of the sum as may become available from a grant under the Act of Congress entitled NICS Improvement Act of 2007 [Pub. L. 110-180; 121 Stat. 2559] or other funds, to the attorney general for the purpose of implementing software and administering the system, for the biennium beginning July 1, 2011, and ending June 30, 2013. This appropriation includes funding for one and one-half full-time equivalent positions to administer the provisions of the Act, which must be terminated when grant funding is no longer available.

SECTION 6. CONTINGENT EFFECTIVE DATE. Subsections 2 and 5 of section 3 of this Act become effective when the attorney general certifies to the secretary of state, the office of management and budget, and the legislative council that the state has received the grant under section 5 of this Act and has implemented the software and system to carry out the provisions of subsections 2 and 5 of section 3 of this Act.

SECTION 7. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

Reengrossed HB 1269 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. OLAFSON MOVED that the conference committee report on Reengrossed HB 1269 as printed on SJ pages 1546-1547 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1269, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1269: A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to mental disability and firearm possession; to amend and reenact sections 25-03.1-43 and 62.1-02-01 and subsection 3 of section 62.1-04-03 of the North Dakota Century Code, relating to possession of firearms in this state and confidential records; to provide an appropriation; to provide a contingent 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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed HB 1269, as amended, passed and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1041, as engrossed: Your conference committee (Sens. J. Lee, Kilzer, Mathern and Reps. Kreidt, Anderson, Holman) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1421-1422, adopt amendments as follows, and place HB 1041 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1421 and 1422 of the House Journal and pages 1171 and 1172 of the Senate Journal and that Engrossed House Bill No. 1041 be amended as follows:

Page 1, line 4, replace the second "section" with "sections"

Page 1, line 5, after "43-12.1-16" insert "and 50-30-02"

Page 1, line 6, remove the first "and"

Page 1, line 6, after "administration" insert ", and the health care trust fund"

Page 1, line 7, replace "for application" with "an appropriation"

Page 3, line 5, replace "may not charge" with "shall collect registration"

Page 3, line 5, after "fees" insert "of twenty-five dollars per individual"

Page 3, line 5, remove "for initial registration or"

Page 3, remove lines 6 and 7

Page 3, replace line 8 with "from the individual or the individual's employer."

5. Registration fees collected by the department must be deposited in the department's operating account.

Page 3, line 12, after "the" insert "state department of health"

Page 3, line 12, remove "under section 1 of this Act"

Page 3, line 17, after "the" insert "state department of health"

Page 3, line 17, remove "under section 1 of this Act"

Page 3, remove lines 30 and 31

Page 4, replace lines 1 through 3 with:

"SECTION 6. AMENDMENT. Section 50-30-02 of the North Dakota Century Code is amended and reenacted as follows:

50-30-02. North Dakota health care trust fund created - Uses - Continuing appropriation.

1. There is created in the state treasury a special fund known as the North Dakota health care trust fund. The fund consists of revenue received

from government nursing facilities for remittance to the fund under former section 50-24.4-30. The department shall administer the fund. The state investment board shall invest moneys in the fund in accordance with chapter 21-10, and the income earned must be deposited in the North Dakota health care trust fund. All moneys deposited in the North Dakota health care trust fund are available to the department for:

- a. Transfer to the long-term care facility loan fund, as authorized by legislative appropriation, for making loans pursuant to the requirements of this chapter.
 - b. Payment, as authorized by legislative appropriation, of costs of other programs authorized by the legislative assembly.
 - c. Repayment of federal funds, which are appropriated and may be spent if the United States department of health and human services determines that funds were inappropriately claimed under former section 50-24.4-30.
 - d. Operation and maintenance of the nurse aide registry.
2. The department shall continue to access the intergovernmental transfer program if permitted by the federal government and if use of the program is found to be beneficial.
 3. Moneys in the fund may not be included in draft appropriation acts under section 54-44.1-06, except for the operation and maintenance of the nurse aide registry as provided for in this section.

SECTION 7. APPROPRIATION. There is appropriated out of any moneys in the state department of health operating fund in the state treasury, not otherwise appropriated, the sum of \$130,000, or so much of the sum as may be necessary, to the state department of health for the purpose of maintaining a nurse aide registry, for the biennium beginning July 1, 2011, and ending June 30, 2013. This appropriation includes funding for an additional one and one-half full-time equivalent positions provided to the state department of health to maintain the nurse aide registry.

SECTION 8. APPROPRIATION. There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$155,000, or so much of the sum as may be necessary, to the state department of health for the purpose of one-time costs to establish a nurse aide registry, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Renumber accordingly

Engrossed HB 1041 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on Engrossed HB 1041 as printed on SJ pages 1548-1549 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1041, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1041: A BILL for an Act to create and enact a new chapter to title 23, subsection 13 to section 43-12.1-04, and section 43-12.1-16.1 of the North Dakota Century Code, relating to a nurse aide registry, individuals exempt from regulation by the state board of nursing, and supervision of nursing interventions; to amend and reenact subsection 9 of section 43-12.1-02 and sections 43-12.1-16 and 50-30-02 of the North Dakota Century Code, relating to definitions, individuals exempt from regulation by the state board of nursing, delegation of medication administration, and the health care trust fund; and to provide an appropriation.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed HB 1041, as amended, passed.

REPORT OF CONFERENCE COMMITTEE

HB 1174, as engrossed: Your conference committee (Sens. Uglem, Berry, J. Lee and Reps. Hofstad, Anderson, Kilichowski) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1176-1177, adopt amendments as follows, and place HB 1174 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1176 and 1177 of the House Journal and pages 836 and 837 of the Senate Journal and that Engrossed House Bill No. 1174 be amended as follows:

Page 1, line 16, replace "requested" with "either in paper or facsimile format"

Page 1, line 18, after "pages" insert "or in an electronic, digital, or other computerized format at a charge of thirty dollars for the first twenty-five pages and twenty-five cents per page after twenty-five pages"

Page 1, line 19, remove "If this charge exceeds fifty dollars and the health care provider is"

Page 1, remove lines 20 through 24

Page 2, remove lines 1 through 3

Page 2, line 29, remove "or medical bills"

Page 2, line 29, overstrike "provided" and insert immediately thereafter "or medical bills in paper or facsimile format"

Page 2, line 30, after the period insert "If providing an electronic, digital, or other computerized format, a person may charge thirty dollars for the first twenty-five pages and twenty-five cents per page after twenty-five pages for providing a copy of medical records or medical bills to a basic no-fault insurer pursuant to this chapter."

Page 2, line 31, remove "If this charge exceeds fifty dollars and the health care provider is capable of"

Page 3, remove lines 1 through 8

Renumber accordingly

Engrossed HB 1174 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. UGLEM MOVED that the conference committee report on Engrossed HB 1174 as printed on SJ page 1550 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1174, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1174: A BILL for an Act to amend and reenact sections 23-12-14 and 26.1-41-12 of the North Dakota Century Code, relating to copies of medical records and medical bills.

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 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: O'Connell

Engrossed HB 1174, as amended, passed.

REPORT OF CONFERENCE COMMITTEE

HB 1019, as engrossed: Your conference committee (Sens. Grindberg, Erbele, Bowman and Reps. Skarphol, Dosch, Williams) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1417-1418 and place HB 1019 on the Seventh order.

Engrossed HB 1019 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ERBELE MOVED that the conference committee report on Engrossed HB 1019 as printed on SJ page 1551 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SB 2227, as reengrossed: Your conference committee (Sens. Lyson, Hogue, Triplett and Reps. DeKrey, Brandenburg, Hanson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1221-1222, adopt amendments as follows, and place SB 2227 on the Seventh order:

That the House recede from its amendments as printed on pages 1221 and 1222 of the Senate Journal and pages 1134 and 1135 of the House Journal and that Reengrossed Senate Bill No. 2227 be amended as follows:

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

Page 1, line 2, after "20.1-02-05" insert ", and a new section to chapter 20.1-02"

Page 1, line 3, after "reenact" insert "subsection 17 of section 20.1-02-05 and"

Page 1, line 4, after "to" insert "the private land habitat and access improvement program,"

Page 1, line 5, after "program" insert a comma

Page 1, line 11, replace the first "or" with an underscored comma

Page 1, line 11, after the second underscored comma insert "or"

Page 1, line 11, remove ", or for any other economic purpose"

Page 1, line 19, after the underscored period insert "A landowner dissatisfied with a decision of the director under this subsection may submit the decision to the North Dakota mediation service for mediation. If the parties to the mediation are unable to reach a negotiated settlement, the credit review board may issue a final, nonappealable, decision."

Page 1, line 20, replace "March" with "January"

Page 1, after line 21, insert:

"SECTION 3. AMENDMENT. Subsection 17 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

17. Carry out a private land habitat and access improvement program by:
 - a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Public ~~Except for purposes of subdivision i, public~~ access to leased land may not be prohibited.
 - c. Carrying out practices that will alleviate depredations caused by predatory animals and big game animals.
 - d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
 - e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
 - f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
 - g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.
 - h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other winter management practices to alleviate depredation caused by big game animals. Any unexpended funds under this subdivision, up to two million dollars, are not subject to section 54-44.1-11 and may be carried forward for expenditure in future bienniums.
 - i. Making available the sum of one hundred thousand dollars from each biennial game and fish department appropriation to be used for food plots on private property for the purpose of providing winter feed. These food plots are not subject to public access considerations."

Page 2, line 9, after the second period insert "For winter management program purposes of this section, a person may not willfully hunt, harass, chase, pursue, take, attempt to take, possess, transport, ship, convey by common carrier, sell, barter, or exchange a deer except as provided in this title."

SECTION 5. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Deer reduction programs.

The director or the director's designee may authorize an individual to euthanize injured, sick, or emaciated deer under conditions determined by the director. The director may authorize targeted deer reduction programs to alleviate deer depredation."

Page 2, line 13, replace "A" with "Except as otherwise provided in section 20.1-02-28, a"

Page 2, line 13, remove "willfully"

Renumber accordingly

Reengrossed SB 2227 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CHRISTMANN MOVED that the conference committee report on Reengrossed SB 2227 as printed on SJ pages 1551-1553 be rejected, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN MOVED that the Senate Conference Committee on Reengrossed SB 2227 be dissolved, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate reconsider its action whereby it failed to concur in the House amendments to Reengrossed SB 2227, which motion prevailed on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTMANN MOVED that the Senate do concur in the House amendments to Reengrossed SB 2227 as printed on SJ pages 1221-1222, which motion prevailed on a voice vote.

Reengrossed SB 2227, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2227: A BILL for an Act to create and enact two new subsections to section 20.1-01-02, a new subsection to section 20.1-02-05, and a new section to chapter 20.1-02 of the North Dakota Century Code, relating to definitions and powers of the director of the game and fish department; to amend and reenact subsection 17 of section 20.1-02-05 and sections 20.1-02-28 and 20.1-05-02 of the North Dakota Century Code, relating to the private land habitat and access improvement program, the deerproof hay yard program, and culpability requirement for unlawfully taking big game; 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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2227 passed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN MOVED that the Senate Conference Committee on Engrossed SB 2157 be dissolved, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate reconsider its action whereby it failed to concur in the House amendments to Engrossed SB 2157, which motion prevailed on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTMANN MOVED that the Senate do concur in the House amendments to

Engrossed SB 2157 as printed on SJ page 1022, which motion prevailed on a voice vote.

Engrossed SB 2157, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2157: A BILL for an Act to create and enact two new subdivisions to subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the fee for entering a road closed due to hazardous conditions; to amend and reenact section 39-10-21.1 of the North Dakota Century Code, relating to entering a closed road; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2157 passed.

MOTION

SEN. CHRISTMANN MOVED that Sen. G. Lee replace Sen. Luick on the Conference Committee on HB 1248, which motion prevailed on a voice vote.

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

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

SB 2015: Reps. Carlson; Delzer; Glassheim

SB 2057: Reps. Skarphol; Martinson; Williams

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

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2157 and wishes to inform you that the Senate does now concur with the House amendments to SB 2157 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2157.

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

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2227 and wishes to inform you that the Senate does now concur with the House amendments to SB 2227 and subsequently passed the same and the emergency clause carried. Also, the Senate has dissolved the Senate Conference Committee on SB 2227.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1019.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2050, SB 2309.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2050, SB 2309.

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

MR. SPEAKER: The President has appointed Sen. G. Lee to replace Sen. Luick on the Conference Committee on HB 1248.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1005, HB 1041, HB 1174.

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

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

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

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

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1269.

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 1033, HB 1266.

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 2044.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2008, SB 2014, SB 2207, SB 2327, SB 2336.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2281.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1468, HCR 3047.

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

MR. PRESIDENT: The Speaker has signed: SB 2008, SB 2014, SB 2207, SB 2281, SB 2327, SB 2336.

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

MR. SPEAKER: The President has signed: HB 1006, HB 1074, HB 1085, HB 1091, HB 1124, HB 1142, HB 1144, HB 1152, HB 1204, HB 1225, HB 1246, HB 1318, HB 1417, HCR 3016.

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

MR. PRESIDENT: The Speaker has signed: HB 1459.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on April 19, 2011, I have signed the following: SB 2064, SB 2065, SB 2088, SB 2094, SB 2119, SB 2121, SB 2124, SB 2125, SB 2133, SB 2136, SB 2142, SB 2146, SB 2154, SB 2164, SB 2166, SB 2168, SB 2170, SB 2174, SB 2176, SB 2188, SB 2190, SB 2192, SB 2196, SB 2202, SB 2204, SB 2278, SB 2282, SB 2284, SB 2292, and SB 2318.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, April 20, 2011, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2005: Your conference committee (Sens. Grindberg, Holmberg, Robinson and Reps. Kempenich, Klein, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1116-1117, adopt amendments as follows, and place SB 2005 on the Seventh order:

That the House recede from its amendments as printed on pages 1116 and 1117 of the

Senate Journal and pages 1206 and 1207 of the House Journal and that Senate Bill No. 2005 be amended as follows:

Page 1, replace lines 12 and 13 with:

"Salaries and wages	\$946,507	\$108,017	\$1,054,524
Operating expenses	131,478	266,588	398,066"

Page 1, replace line 16 with:

"Total general fund	\$2,228,985	(\$523,595)	\$1,705,390"
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Page 1, replace lines 22 and 23 with:

"IT development costs		<u>\$0</u>	<u>\$266,588</u>
Total general fund		\$0	\$266,588"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2005 - State Treasurer - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$1,030,524	\$1,030,524	\$24,000	\$1,054,524	\$1,054,524	
Operating expenses	366,478	366,478	31,588	398,066	451,906	(53,840)
Coal severance payments	252,800	252,800		252,800	252,800	
Total all funds	\$1,649,802	\$1,649,802	\$55,588	\$1,705,390	\$1,759,230	(\$53,840)
Less estimated income	0	0	0	0	0	0
General fund	\$1,649,802	\$1,649,802	\$55,588	\$1,705,390	\$1,759,230	(\$53,840)
FTE	7.00	7.00	0.00	7.00	7.00	0.00

Department No. 120 - State Treasurer - Detail of Conference Committee Changes

	Adds Funding for Position Reclassifications ¹	Adds Funding for Information Technology Development ²	Total Conference Committee Changes
Salaries and wages	\$24,000		\$24,000
Operating expenses		31,588	31,588
Coal severance payments			
Total all funds	\$24,000	\$31,588	\$55,588
Less estimated income	0	0	0
General fund	\$24,000	\$31,588	\$55,588
FTE	0.00	0.00	0.00

¹ Funding is added to reclassify two account budget specialist positions; the same as the House version.

² This amendment adds funding for additional information technology development costs for changes in tax distributions. The House added \$85,428.

SB 2005 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2268, as engrossed: Your conference committee (Sens. Berry, Dever, Nelson and Reps. Wieland, Louser, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1216-1217, adopt amendments as

follows, and place SB 2268 on the Seventh order:

That the House recede from its amendments as printed on pages 1216 and 1217 of the Senate Journal and pages 1382 and 1383 of the House Journal and that Engrossed Senate Bill No. 2268 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a regional autism spectrum disorder centers of early intervention and achievement pilot program; to provide for a report to the legislative management; to provide for a report to the sixty-third legislative assembly; to provide for a legislative management study; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REGIONAL AUTISM SPECTRUM DISORDER CENTERS OF EARLY INTERVENTION AND ACHIEVEMENT PILOT PROGRAM - REPORT TO THE LEGISLATIVE MANAGEMENT - REPORT TO THE SIXTY-THIRD LEGISLATIVE ASSEMBLY. During the 2011-13 biennium, the department of human services may use up to \$200,000 of funding from its legislative appropriation to establish and operate a regional autism spectrum disorder centers of early intervention and achievement pilot program.

1. The pilot program must provide a matching grant to a qualified applicant that is a nonprofit intermediate care facility for individuals with intellectual disabilities which is licensed by the department of human services.
2. A qualified applicant shall establish the availability of \$1 of nonstate, cash matching funds for each grant dollar awarded under this section. The source of the matching funds must be funds of the applicant.
3. A qualified applicant shall submit a plan for the funding, development, and delivery of skilled services to individuals with autism spectrum disorder who reside within the applicant's service region. The plan must provide for the establishment of a regional autism spectrum disorder center of early intervention and achievement in a city with a population of more than ten thousand.
4. As a condition of a grant award under this program, a qualified applicant shall agree to collaborate with the department of human services in developing and implementing the plan as well as postaward monitoring by the department of human services.
5. The department of human services shall report to the legislative management before September 30, 2012, on the preliminary findings and recommendations of the pilot program. The department of human services shall provide a written report summarizing the status of the pilot program and any findings and recommendations to the legislative management before December 31, 2012.
6. The department of human services shall report to the appropriations committees of the sixty-third legislative assembly on the status of the pilot program and any findings and recommendations.

SECTION 2. AUTISM STUDY - LEGISLATIVE MANAGEMENT STUDY.

During the 2011-12 interim, the legislative management shall consider studying the current system for the diagnosis of, early treatment of, care for, and education of individuals with autism spectrum disorder. The study must include a review of a sliding fee scale for payment of services and the value of services provided. The study must consider the recommendations of the autism spectrum disorder task force and must seek input from stakeholders in the private and public sectors, including families affected by autism spectrum disorder, insurers, educators, treatment providers, early childhood service providers, caretakers, and nonprofit intermediate care facilities for individuals with intellectual disabilities. The legislative management shall report its findings and recommendations, together with any

legislation required to implement the recommendations, to the sixty-third legislative assembly.

SECTION 3. EXPIRATION DATE. Section 1 of this Act is effective through June 30, 2013, and after that date is ineffective."

Renumber accordingly

Engrossed SB 2268 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1033: Your conference committee (Sens. Holmberg, Krebsbach, Grindberg and Reps. Dosch, Monson, Williams) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1420-1421, adopt amendments as follows, and place HB 1033 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1420 and 1421 of the House Journal and pages 1188 and 1189 of the Senate Journal and that House Bill No. 1033 be amended as follows:

Page 1, line 3, after "system" insert "; and to provide for a legislative management study"

Page 7, after line 16, insert:

"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - HIGHER EDUCATION. During the 2011-12 interim, the legislative management chairman may appoint an interim higher education committee to study issues affecting higher education. The study may include a review of:

1. Higher education funding mechanisms, including:
 - a. Performance-based funding methods.
 - b. Funding based on student enrollment calculations.
 - c. Funding from grants.
 - d. Funding based on program cost analysis.
2. Higher education budget methods, including:
 - a. Block grant funding for operations based on institution type.
 - b. Block grant funding for specific initiatives based on institution type.
 - c. Funding for capital asset maintenance, including deferred maintenance.

The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

HB 1033 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1266, as reengrossed: Your conference committee (Sens. Berry, Uglen, Dever and Reps. Hofstad, Devlin, Kilichowski) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1329, adopt amendments as follows, and place HB 1266 on the Seventh order:

That the Senate recede from its amendments as printed on page 1329 of the House Journal and pages 1063 and 1064 of the Senate Journal and that Reengrossed House Bill No. 1266 be amended as follows:

Page 1, after line 19, insert:

"Contracted emergency medical services and trauma medical director \$50,000"

Renumber accordingly

Reengrossed HB 1266 was placed on the Seventh order of business on the calendar.

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

William R. Horton, Secretary

