

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, April 8, 2011

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

The prayer was offered by Reverend Merle Hoots, Bismarck Baptist Church, Bismarck.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1044, as reengrossed and amended: SEN. FISCHER (Appropriations Committee) MOVED that the amendments on SJ pages 1308-1309 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. UGLEM REQUESTED a verification vote, which request was granted.

The question being on the motion to adopt the amendments to Reengrossed HB 1044, as amended, the motion failed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1044: A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to ambulance operations areas, an emergency medical services advisory council, emergency medical services funding areas, and state financial assistance for emergency medical services; to amend and reenact subsection 1 of section 23-27-01 of the North Dakota Century Code, relating to emergency medical services operations service areas; to repeal chapter 23-40 of the North Dakota Century Code, relating to emergency medical services allocations; to provide a statement of legislative intent; to provide an appropriation; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; 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

ABSENT AND NOT VOTING: Laffen

Reengrossed HB 1044, as amended, passed.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1012 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1012 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that HB 1363 be placed at the bottom of the Fourteenth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1417, as amended: SEN. WARNER (Appropriations Committee) MOVED that the amendments on SJ page 1309 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1417: A BILL for an Act to provide for a legislative management study.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; 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

ABSENT AND NOT VOTING: Laffen

HB 1417, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1136: A BILL for an Act to create and enact chapter 44-06.1 of the North Dakota Century Code, relating to notarial acts; to amend and reenact subsection 6 of section 10-19.1-84, subsection 4 of section 44-05-01, and sections 44-08-06 and 47-19-18 of the North Dakota Century Code, relating to notarial acts; to repeal chapter 44-06 and sections 47-19-14.1, 47-19-14.2, 47-19-14.3, 47-19-14.4, 47-19-14.5, 47-19-14.6, 47-19-14.7, and 47-19-14.8 of the North Dakota Century Code, relating to notarial acts; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; 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

ABSENT AND NOT VOTING: Laffen

Engrossed HB 1136 passed.

SECOND READING OF HOUSE BILL

HB 1462: A BILL for an Act to create and enact a new section to chapter 6-09.10 of the North Dakota Century Code, relating to compensation for members of the credit review board; to amend and reenact sections 4-24-13, 6-08.1-02, 6-08.1-03, 6-09.10-01, 6-09.10-02, 6-09.10-02.1, 6-09.10-03, 6-09.10-04, 6-09.10-04.1, 6-09.10-06, 6-09.10-10, 6-09.10-11, and 6-09.11-04 of the North Dakota Century Code, relating to the agricultural mediation service; to repeal sections 6-09.10-05, 6-09.10-07, 6-09.10-08, and 6-09.11-10 of the North Dakota Century Code, relating to the home-quarter fund; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee

recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; 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

ABSENT AND NOT VOTING: Laffen

Engrossed HB 1462 passed.

SECOND READING OF HOUSE BILL

HB 1325: A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01.1 and section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on the expansion of basic care and long-term care bed capacity; and to provide an appropriation.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; 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

ABSENT AND NOT VOTING: Laffen

Reengrossed HB 1325 passed.

MOTION

SEN. CHRISTMANN MOVED that HB 1320 be returned to the Senate floor from the **Appropriations Committee** and placed on the Fourteenth order, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1416 be returned to the Senate floor from the **Government and Veterans Affairs Committee** and placed on the Fourteenth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2017 as printed on SJ pages 1219-1221 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2017: Sens. Christmann, Wanzek, O'Connell.

MOTION

SEN. CHRISTMANN MOVED that HB 1339 and HB 1340 be returned to the Senate floor from the **Judiciary Committee** and placed on the Fourteenth order, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1206, as engrossed and amended: Appropriations Committee (Sen. Holmberg,

Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1206, as amended, was placed on the Sixth order on the calendar.

Page 1, line 2, replace "grant repayment by the authority" with "an appropriation; to provide for loan and grant repayment"

Page 2, line 2, after the underscored period insert "The western area water supply authority shall consider in the process of locating industrial water depots the location of private water sellers so as to minimize the impact on private water sellers."

Page 2, line 14, remove "any bonds or refunding bonds issued under this chapter remain"

Page 2, line 15, remove "outstanding or"

Page 2, line 18, replace "two" with "one"

Page 2, line 19, replace "representatives" with "representative"

Page 2, line 20, after the second underscored comma insert "BDW water system association."

Page 2, line 21, after "association" insert ", and one county commissioner each from Burke County, Divide County, McKenzie County, Mountrail County, and Williams County"

Page 2, line 21, replace "Each" with "The governing body of each"

Page 2, line 21, replace "two representatives" with "the representative"

Page 2, line 22, replace "that" with "the governing body of the"

Page 2, line 23, after the underscored period insert "Directors have a term of one year and may be reappointed. In addition, the governor shall select one member of the state water commission as a voting member on the authority's board of directors. The commission member serves on the board at the pleasure of the governor."

Page 2, line 30, after the underscored comma insert "except for the state water commission member and the county commissioners on the board."

Page 5, line 24, remove "Issue and sell revenue bonds, including notes, certificates, leases, or other evidences"

Page 5, remove lines 25 through 31

Page 6, remove lines 1 through 16

Page 6, line 17, remove "17."

Page 6, line 21, replace "18." with "13."

Page 6, line 24, replace "19." with "14."

Page 6, line 27, replace "20." with "15."

Page 6, remove lines 29 and 30

Page 7, remove lines 1 and 2

Page 7, line 3, replace "22." with "16."

Page 7, line 4, replace "23." with "17."

Page 7, line 9, replace "24." with "18."

Page 7, line 17, replace "25." with "19."

Page 7, line 22, replace "26." with "20."

Page 7, line 27, replace "report to" with "comply with the policy on cost-sharing of"

Page 7, line 27, replace "on the" with "as the policy relates to"

Page 7, line 27, after the second underscored comma insert "and"

Page 7, line 28, replace the first underscored comma with "of the project. The authority shall report to and consult with the state water commission regarding the"

Page 7, line 28, remove the second underscored comma

Page 7, line 29, remove "initial construction of the system and"

Page 7, line 30, remove "and contract plans and specifications"

Page 8, line 1, remove "bonds issued by the authority utilize section 61-40-17 or"

Page 8, remove lines 6 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 31

Page 11, remove lines 1 through 17

Page 11, line 18, replace "61-40-15." with "61-40-07."

Page 11, line 26, replace "61-40-16." with "61-40-08."

Page 12, remove lines 1 through 26

Page 12, line 27, replace "60-40-18." with "61-40-09."

Page 12, line 29, remove ", if the legislative assembly has appropriated"

Page 12, line 30, remove "moneys to restore the reserve fund for the obligation in default under this chapter."

Page 13, after line 9, insert:

"61-40-10. Taxing authority.

If projected or actual revenues are insufficient to prevent default, each board of county commissioners of Burke County, Divide County, McKenzie County, Mountrail County, and Williams County shall levy property tax in equal mills as is necessary to prevent default within a maximum of five mills for each county.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$75,000,000, or so much of the sum as may be necessary, to the state water commission for the purpose of providing a loan to the western area water authority for a maximum term of twenty years at five percent interest per year, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Page 13, line 10, replace "**STATE WATER COMMISSION**" with "**LOAN AND**"

Page 13, line 10, remove "After"

Page 13, remove lines 11 and 12

Page 13, line 13, replace "shall" with "The western area water authority shall make payments on the loan provided in section 2 of this Act to the state water commission. The state water commission shall transfer the funds to the state treasurer for deposit

of the principal in the permanent oil tax trust fund and deposit of the interest in the resources trust fund. Upon the repayment of the principal, the authority shall make payments in at least the amount of the principal payments to"

Page 13, line 14, after the period insert "In addition, upon repayment of the state water commission grant, the authority shall provide five percent of the net profits to the state water commission for deposit by the state treasurer in the resources trust fund until June 30, 2040."

Renumber accordingly

MOTION

SEN. CHRISTMANN 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.

MOTION

SEN. CHRISTMANN MOVED that HB 1416, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1206 be placed at the top of the Sixth order, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1012 be returned to the Senate floor from the **Appropriations Committee** and placed at the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1206, as engrossed and amended: SEN. KLEIN (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1206: A BILL for an Act to create and enact chapter 61-40 of the North Dakota Century Code, relating to a western area water supply authority; to provide an appropriation; to provide for loan and grant repayment; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; 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

NAYS: Burckhard

ABSENT AND NOT VOTING: Laffen

Engrossed HB 1206, as amended, passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1126: A BILL for an Act to create and enact chapter 26.1-54 of the North Dakota Century Code, relating to the creation of a health insurance exchange; to provide reports to the legislative management; to provide an appropriation; to provide for application; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 36 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Burckhard; Christmann; Cook; Freborg; Hogue; Luick; Nething; Schaible; Sitte

ABSENT AND NOT VOTING: Laffen

Engrossed HB 1126, as amended, passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1364: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to the creation of a high-deductible health plan with a health savings account; and to provide an appropriation.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Larsen; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Uglem; Wanzek; Wardner

NAYS: Krebsbach; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Laffen

Engrossed HB 1364 passed.

SECOND READING OF HOUSE BILL

HB 1134: A BILL for an Act to create and enact two new subsections to section 15-39.1-04 of the North Dakota Century Code, relating to definitions of member tiers under the teachers' fund for retirement; to amend and reenact subsections 1 and 2 of section 15-39.1-09, subsection 1 of section 15-39.1-10, and sections 15-39.1-12, 15-39.1-18, 15-39.1-19.1, and 15-39.1-19.2 of the North Dakota Century Code, relating to employee and employer contribution requirements, eligibility for normal unreduced retirement benefits eligibility for early reduced retirement benefits, eligibility for disability benefits, and retiree reemployment under the teachers' fund for retirement; and to provide an effective date.

MOTION

SEN. NELSON MOVED that Engrossed HB 1134, as amended, be amended as follows.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new subsections to section 15-39.1-04 of the North Dakota Century Code, relating to definitions of member tiers under the teachers' fund for retirement; to amend and reenact subsection 1 of section 15-39.1-09, subsection 1 of section 15-39.1-10, and sections 15-39.1-12, 15-39.1-18, 15-39.1-19.1, and 15-39.1-19.2 of the North Dakota Century Code, relating to employee and employer contribution requirements, eligibility for normal unreduced retirement benefits, eligibility for early reduced retirement benefits, eligibility for disability benefits, and retiree

reemployment under the teachers' fund for retirement; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Two new subsections to section 15-39.1-04 of the North Dakota Century Code are created and enacted as follows:

"Tier one grandfathered member" for purposes of sections 15-39.1-10 and 15-39.1-12 means a tier one member who, as of June 30, 2013, is vested as a tier one member in accordance with section 15-39.1-11; and

- a. Is at least fifty-five years of age; or
- b. Has a combined total of years of service credit in the plan and years of age which equals or exceeds sixty-five.

"Tier one nongrandfathered member" for purposes of sections 15-39.1-10 and 15-39.1-12 means a tier one member who does not qualify as a tier one grandfathered member.

SECTION 2. AMENDMENT. Subsection 1 of section 15-39.1-09 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as otherwise provided by law, every teacher is a member of the fund and must be assessed upon the teacher's salary seven and seventy-five hundredths percent per annum, which must be deducted, certified, and paid monthly to the fund by the disbursing official of the governmental body by which the teacher is employed. Member contributions increase to nine and seventy-five hundredths percent per annum beginning July 1, 2012, and increase thereafter to eleven and seventy-five hundredths percent per annum beginning July 1, 2014. Except as otherwise provided by law, every governmental body employing a teacher shall pay to the fund eight and seventy-five hundredths percent per annum of the salary of each teacher employed by it. Contributions to be paid by a governmental body employing a teacher increase to ten and seventy-five hundredths percent per annum beginning July 1, 2012, and increase thereafter to twelve and seventy-five hundredths percent per annum beginning July 1, 2014. The required amount of member and employer contributions must be reduced to seven and seventy-five hundredths percent per annum effective on the July first that follows the first valuation showing a ratio of the actuarial value of assets to the actuarial accrued liability of the teachers' fund for retirement that is equal to or greater than ninety percent. The disbursing official of the governmental body shall certify the governmental body payments and remit the payments monthly to the fund.

SECTION 3. AMENDMENT. Subsection 1 of section 15-39.1-10 of the North Dakota Century Code is amended and reenacted as follows:

1. The following members who have acquired a vested right to a retirement annuity as set forth in section 15-39.1-11 are eligible to receive monthly lifetime normal unreduced retirement benefits under this section:
 - a. ~~All tier one and tier two members who have earned three years of teaching service credit and who have attained the age of sixty-five years.~~
 - b. ~~All tier one grandfathered members who have earned three years of teaching service credit and who have a combined total of years of service credit and years of age which equals or exceeds eighty-five.~~

- c. ~~All tier two members who have earned five years of teaching service credit and who have attained the age of sixty five years~~one nongrandfathered members and tier two members who are at least sixty years of age and who have combined total of years of service credit and years of age which equals or exceeds ninety.
- d. ~~All tier two members who have earned five years of teaching service credit and who have a combined total of years of service credit and years of age which equals or exceeds ninety.~~

SECTION 4. AMENDMENT. Section 15-39.1-12 of the North Dakota Century Code is amended and reenacted as follows:

15-39.1-12. Early reduced retirement benefits.

~~A tier one member who has acquired a vested right to a retirement annuity as set forth in section 15-39.1-11 and who has attained age fifty-five may retire prior to the normal retirement age as set forth in section 15-39.1-10 but the benefits to which the member is then entitled must be reduced to the actuarial equivalent of the benefit credits earned to the date of early retirement from the earlier of age sixty five or the age at which current service plus age equals eighty five. A tier two member who has acquired a vested right to a retirement annuity as set forth in section 15-39.1-11 and who has attained age fifty-five may retire prior to the normal retirement age as set forth in section 15-39.1-10 but the benefits to which the member is then entitled must be reduced to the actuarial equivalent of the benefit credits earned to the date of early retirement from the earlier of age sixty five or the age at which current service plus age equals ninety according to the following schedule:~~

1. All tier one grandfathered member benefits must be reduced by six percent per annum from the earlier of:
 - a. Age sixty-five; or
 - b. The age at which the sum of the member's current years of service credit and years of age equals eighty-five.
2. All tier one nongrandfathered member and tier two member benefits must be reduced by eight percent per annum from the earlier of:
 - a. Age sixty-five; or
 - b. The later of:
 - (1) Age sixty; or
 - (2) The age at which the sum of the member's current years of service credit and years of age equals ninety.

SECTION 5. AMENDMENT. Section 15-39.1-18 of the North Dakota Century Code is amended and reenacted as follows:

15-39.1-18. Disability retirements.

1. Any member may also retire and receive a disability annuity if, after a period of at least ~~one year~~five years of service as a member in this state, the member ~~suffers from~~qualifies for total disability as determined by the board.
2. The amount of the disability annuity is the ~~greater of the amount computed by the retirement formula in section 15-39.1-10 without consideration of age or the amount computed by that formula without consideration of age but assuming the member had twenty years of credited service.~~ A member determined eligible for a disability annuity under this section may elect to receive an annuity under any of the

options allowed in section 15-39.1-16, except the level retirement income with social security option or the partial lump sum option.

3. The disability annuity continues until the death or prior recovery of the disabled annuitant. The board shall ascertain by periodic medical examinations the continued disability status of a disabled annuitant.
4. If a disabled annuitant recovers and returns to active teaching, that annuitant is entitled to the retirement benefit credits which the annuitant earned prior to the time of disablement, and the credits which the annuitant earned after returning to active teaching must be added to those earned prior to disablement.

SECTION 6. AMENDMENT. Section 15-39.1-19.1 of the North Dakota Century Code is amended and reenacted as follows:

15-39.1-19.1. Retired teachers return to active service - Annuities discontinued on resumption of teaching over annual hour limit.

1. a. Except as otherwise provided in section 15-39.1-19.2, a retired teacher who is receiving a retirement annuity under chapter 15-39, 15-39.1, or 15-39.2 may not return to covered employment until thirty calendar days have elapsed from the member's retirement date. A retired member may then return to covered employment under an annual hour limit and continue receiving a monthly retirement benefit. The annual hour limit is based on the length of the reemployed retiree's contract as follows:
 - (1) Retiree reemployment of nine months or less, annual limit is seven hundred hours;
 - (2) Retiree reemployment of ten months, annual limit is eight hundred hours;
 - (3) Retiree reemployment of eleven months, annual limit is nine hundred hours; or
 - (4) Retiree reemployment of twelve months, annual limit is one thousand hours.
- b. Employment as a noncontracted substitute teacher does not apply to the annual hour limit. Professional development and extracurricular duties do not apply to the annual hour limit.
- c. The retired member and the retired member's employer must notify the fund office in writing within thirty days of the retired member's return to covered employment. ~~Should the retired member's employment exceed the annual hour limit, the retired member must immediately notify the fund office in writing. Failure to notify the fund office results in the loss of one month's annuity benefit. The retired member's monthly benefit must be discontinued the first of the month following the date the member reaches the annual hour limit.~~
- d. A retired member who returns to teaching shall pay the member contributions required by section 15-39.1-09 ~~on those earnings~~ the salary received by the retired member after reaching the annual hour limit. The member contributions must be included in the retired member's account value and may not be refunded except as provided under subdivision a of subsection 2 of section 15-39.1-19.1 and section 15-39.1-17.
- e. A participating employer who employs a retired member under this section shall pay the employer contributions required by section 15-39.1-09 ~~on the salary of the retired member both before and after the retired member reaches the annual hour limit.~~

- f. A retired teacher who returns to teaching and does not exceed the annual hour limit must be treated as retired for all other purposes under this chapter. A retired teacher may not earn any additional service during the period of reemployment. The retired teacher's benefits may not be adjusted to reflect changes in the retired teacher's age or final average monthly salary at the end of the period of reemployment, any optional form of payment elected under section 15-39.1-16 remains effective during and after the period of reemployment, and additional benefits normally available to an active member, such as disability benefits, are not available to a retired teacher reemployed under this section.
 - g. A retired teacher who returns to teaching and exceeds the annual hour limit must immediately notify the fund office in writing. Failure to notify the fund office results in the loss of one month's annuity benefit for the member. The retired member's monthly benefit must be discontinued the first of the month following the date the member reaches the annual hour limit.
2. Upon the retired teacher's subsequent retirement, the member's benefit must be resumed as follows:
- a. If the teacher subsequently retires with less than two years of additional earned credited service, the teacher's contributions paid to the fund after the member's benefit was suspended must be refunded in accordance with section 15-39.1-20 and the teacher is entitled to receive the discontinued annuity, plus any postretirement benefit adjustments granted during the period of reemployment, the first day of the month following the teacher's re-retirement.
 - b. If the teacher subsequently retires with two or more but less than five years of additional earned credited service, the retired person's annuity is the greater of the sum of the discontinued annuity, plus an additional annuity computed according to this chapter based upon years of service and average salaries earned during the period of reemployment plus any postretirement benefit adjustments granted during the period of reemployment, or a recalculated annuity computed according to this chapter based on total years of service credit earned during both employment periods offset by the actuarial value of payments already received. The new annuity is payable the first day of the month following the member's re-retirement.
 - c. If the teacher subsequently retires with five or more years of additional earned credited service, the retired person's annuity is the greater of the sum of the discontinued annuity plus an additional annuity based upon years of service and average salaries earned during the period of reemployment plus any postretirement benefit adjustments granted during the period of reemployment, or a recalculated annuity based on all years of service computed under subsection 2 of section 15-39.1-10. The new annuity is payable the first day of the month following the member's re-retirement.

SECTION 7. AMENDMENT. Section 15-39.1-19.2 of the North Dakota Century Code is amended and reenacted as follows:

15-39.1-19.2. Retired teachers return to active service - Critical shortage areas and disciplines - Rules.

1. A retired teacher who is receiving a retirement annuity under chapter 15-39, 15-39.1, or 15-39.2 may elect to return to teaching without losing any benefits under the provisions of this section or elect to return to teaching under the provisions of section 15-39.1-19.1. To return to teaching under this section, a retired teacher must:

- a. Return to teach in a critical shortage geographical area or subject discipline as determined by the education standards and practices board by rule;
 - b. If retired after January 1, 2001, have been receiving a retirement annuity for at least one year. A retired teacher may perform noncontracted substitute teaching duties but may not engage in full-time or part-time teaching duties during the one-year separation from service; and
 - c. Notify the fund office in writing within thirty days of the retired member's return to covered employment. The retired member's employer must also notify the fund office in writing within thirty days of the retired member's return to covered employment.
2. A retired teacher who returns to teaching under this section ~~is not required to~~ shall pay the ~~employee assessment~~ member contributions required by section 15-39.1-09 on the salary of the retired member. The member contributions must be included in the retired member's account value and may not be refunded except as provided under section 15-39.1-17. A retired teacher who returns to teaching under the provisions of this section must be treated as retired for all other purposes under this chapter. A retired teacher may not earn any additional service during the period of reemployment. The retired teacher's benefits may not be adjusted to reflect changes in the retired teacher's age or final average monthly salary at the end of the period of reemployment, any optional form of payment elected under section 15-39.1-16 remains effective during and after the period of reemployment, and additional benefits normally available to an active member, such as disability benefits, are not available to a retired teacher reemployed under this section.
 3. A participating employer who employs a retired member under this section shall pay the employer contributions required by section 15-39.1-09 on the salary of the retired member.

SECTION 8. EFFECTIVE DATE. Sections 6 and 7 of this Act become effective July 1, 2012, and sections 3, 4, and 5 of this Act become effective July 1, 2013."

Renumber accordingly

REQUEST

SEN. WARNER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1134, as amended, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1134, as amended, the roll was called and there were 24 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berry; Christmann; Dotzenrod; Heckaman; Holmberg; Krebsbach; Lee, J.; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; O'Connell; Robinson; Schaible; Schneider; Stenehjem; Taylor; Triplett; Uglem; Wardner; Warner

NAYS: Andrist; Bowman; Burckhard; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Kilzer; Klein; Larsen; Lee, G.; Luick; Nodland; Oehlke; Olafson; Sitte; Sorvaag; Wanzek

ABSENT AND NOT VOTING: Laffen

The proposed amendments to Engrossed HB 1134, as amended, were adopted on a recorded roll call vote.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berry; Burckhard; Christmann; Dever; Dotzenrod; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; 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

NAYS: Andrist; Bowman; Cook; Erbele; Fischer; Hogue; Larsen; Lee, G.

ABSENT AND NOT VOTING: Laffen

Engrossed HB 1134, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1426: A BILL for an Act to amend and reenact subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to travel reimbursement rates for state employees and officers.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; 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

ABSENT AND NOT VOTING: Laffen

Engrossed HB 1426, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1141: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 54-03-20 of the North Dakota Century Code, relating to housing reimbursement for members of the legislative assembly.

ROLL CALL

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

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

NAYS: Flakoll

ABSENT AND NOT VOTING: Laffen; Nething

HB 1141, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1225: A BILL for an Act to amend and reenact subsection 22 of section 57-15-06.7 of the North Dakota Century Code, relating to the county emergency fund levy limitation; and to provide an effective date.

MOTION

SEN. DOTZENROD MOVED that Engrossed HB 1225 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 1, after "57-15-06.7" insert "and section 57-15-28"

Page 1, line 2, after "fund" insert "and"

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

Page 1, line 8, remove "which may be increased to five mills if approved by"

Page 1, line 9, replace "a majority of the electors of the county voting on the question" with "in a county with a population of thirty thousand or more, four mills in a county with a population under thirty thousand but more than five thousand, or six mills in a county with a population of five thousand or fewer"

Page 1, after line 9, insert:

"SECTION 2. AMENDMENT. Section 57-15-28 of the North Dakota Century Code is amended and reenacted as follows:

57-15-28. Emergency fund - County.

The governing body of any county may levy a tax for emergency purposes not exceeding the limitation in subsection 22 of section 57-15-06.7. The emergency fund may not be considered in determining the budget or the amount to be levied for each fiscal year for normal tax purposes but must be shown in the budget as an "emergency fund" and may not be deducted from the budget as otherwise provided by law. Each county may create an emergency fund, and all taxes levied for emergency purposes by any county, when collected, must be deposited in the emergency fund, and must be used only for emergency purposes caused by the destruction or impairment of any county property necessary for the conduct of the affairs of the county, emergencies caused by nature or by the entry by a court of competent jurisdiction of a judgment for damages against the county. The emergency fund may not be used for the purchase of road equipment. The emergency fund may not be used for any road construction or maintenance, except for repair of roads damaged by nature within sixty days preceding the determination to expend emergency funds ~~or for the purchase of road equipment~~; however, the emergency fund may be used to match federal funds appropriated to mitigate damage to roads related to a federally declared disaster that occurred more than sixty days preceding the determination. Any unexpended balance remaining in the emergency fund at the end of any fiscal year must be kept in the fund. When the amount of money in the emergency fund, plus the amount of money due the fund from outstanding taxes, equals the amount produced by a levy of five mills on the taxable valuation of property in a county with a population of thirty thousand or more, ten mills on the taxable valuation of property in a county with a population of less than thirty thousand but more than five thousand, or fifteen mills on the taxable valuation of property in a county with a population of five thousand or fewer, the levy authorized by this section must be discontinued, and no further levy may be made until required to replenish the emergency fund.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - COUNTY AND CITY EMERGENCY FUND LEVIES. During the 2011-12 interim, the legislative management shall consider studying county and city emergency fund levies and expenditures and jurisdictional responsibilities and issues relating to emergency fund levies and expenditures. The legislative management shall report its findings and

recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Page 1, line 10, replace "This" with "Section 1 of this"

Page 1, line 11, after the period insert "Section 2 of this Act is effective for emergency fund expenditures after July 31, 2011."

Renumber accordingly

ROLL CALL

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

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

ABSENT AND NOT VOTING: Laffen; Nothing

Engrossed HB 1225, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1352: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to registration of music therapists; to provide for a penalty; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Nelson; Schneider; Warner

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

ABSENT AND NOT VOTING: Laffen; Nothing

Engrossed HB 1352, as amended, lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3018: A concurrent resolution for the amendment of section 24 of article X of the Constitution of North Dakota, relating to the permitted growth of the foundation aid stabilization fund.

ROLL CALL

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

YEAS: Andrist; Dotzenrod; Freborg; Heckaman; Kilzer; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Taylor; Triplett; Warner

NAYS: Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Grindberg; Hogue; Holmberg; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Lyson; Miller; Nodland; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Uglem; Wanzek; Wardner

ABSENT AND NOT VOTING: Laffen; Nothing

HCR 3018 was declared lost on a recorded roll call vote.

MOTION

SEN. CHRISTMANN MOVED that HCR 3047 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HCR 3047 was rereferred.

SECOND READING OF HOUSE BILL

HB 1373: A BILL for an Act to provide an appropriation for federally designated head start programs in the state.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 22 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Fischer; Flakoll; Grindberg; Heckaman; Holmberg; Klein; Krebsbach; Lee, J.; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Taylor; Triplett; Uglem; Wardner; Warner

NAYS: Andrist; Berry; Burckhard; Christmann; Cook; Dever; Erbele; Freborg; Hogue; Kilzer; Larsen; Lee, G.; Luick; Lyson; Miller; Nodland; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Wanzek

ABSENT AND NOT VOTING: Laffen; Nothing

Engrossed HB 1373 lost.

SECOND READING OF HOUSE BILL

HB 1320: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to deductions from income for determining medical assistance eligibility.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Laffen; Nothing

Engrossed HB 1320 passed.

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 1015, Engrossed HB 1025, and Reengrossed HB 1266, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1015: Sens. Christmann, Wanzek, O'Connell

Engrossed HB 1025: Sens. Kilzer, Fischer, Robinson

Reengrossed HB 1266: Sens. Berry, Uglen, Dever

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2298 as printed on SJ page 1217 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2298: Sens. Dever, Krebsbach, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2369 as printed on SJ pages 1222-1225 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2369: Sens. Grindberg, Holmberg, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. G. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2207 as printed on SJ page 1295 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2207: Sens. Oehlke, Nething, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2016 as printed on SJ pages 1292-1295 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2016: Sens. Grindberg, Holmberg, Warner.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2003 as printed on SJ pages 1290-1292 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2003: Sens. Kilzer, Erbele, Warner.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2309 as printed on SJ pages 1289-1290 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2309: Sens. Uglen, Dever, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to SB 2115 as printed on SJ page 900, which motion prevailed on a voice vote.

SB 2115, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2115: A BILL for an Act to amend and reenact subsection 7 of section 43-37-02, sections 43-37-03, 43-37-04, 43-37-05, 43-37-06, 43-37-08, and 43-37-09, and subsection 1 of section 43-37-13 of the North Dakota Century Code, relating to the practice, licensing, and disciplining of audiologists and speech-language pathologists and the composition, powers, and compensation of the board of examiners on audiology and speech-language pathology.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Laffen; Nothing

Engrossed SB 2115 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to Engrossed SB 2248 as printed on SJ pages 997-999, which motion prevailed on a voice vote.

Engrossed SB 2248, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2248: A BILL for an Act to create and enact a new subsection to section 57-38-57 of the North Dakota Century Code, relating to angel fund investment disclosure; to amend and reenact section 57-38-01.26 of the North Dakota Century Code, relating to the angel fund investment tax credit; 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 0 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Laffen; Nothing

Reengrossed SB 2248 lost.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do concur in the House amendments to Engrossed SB 2323 as printed on SJ page 1162, which motion prevailed on a voice vote.

Engrossed SB 2323, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2323: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to variance reports for certain construction projects at institutions of higher education.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Laffen; Nething

Reengrossed SB 2323 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2275 as printed on SJ pages 1160-1161, which motion prevailed on a voice vote.

SB 2275, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2275: A BILL for an Act to provide an appropriation to the office of management and budget for community service supervision grants; and to provide legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Burckhard; Dotzenrod; Erbele; Fischer; Flakoll; Grindberg; Heckaman; Holmberg; Klein; Krebsbach; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; Nodland; O'Connell; Robinson; Schaible; Schneider; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Berry; Christmann; Cook; Dever; Freborg; Hogue; Kilzer; Larsen; Lee, G.; Lyson; Miller; Oehlke; Olafson; Sitte; Stenehjem

ABSENT AND NOT VOTING: Laffen; Nething

Engrossed SB 2275 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to Engrossed SB 2006 as printed on SJ pages 1149-1150, 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 state tax commissioner and for payment of state reimbursement under the homestead tax credit and disabled veterans credit; to provide for a transfer; 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 legislative management study; to provide a contingent appropriation; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Laffen; Nothing

Reengrossed SB 2006 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2022 as printed on SJ pages 1164-1167, which motion prevailed on a voice vote.

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

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies; to provide an exemption; to provide various transfers; to amend and reenact sections 15-39.1-08, 21-10-01, and 54-52-03 of the North Dakota Century Code, relating to the per day compensation rates for the board of trustees of the teachers' fund for retirement, state investment board, and retirement board; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Laffen; Nothing

Engrossed SB 2022 passed and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2002 as printed on SJ pages 1202-1203, which motion prevailed on a voice vote.

SB 2002, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to provide an exemption; and to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of state.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll

was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Laffen; Nething

Engrossed SB 2002 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to Engrossed SB 2010 as printed on SJ pages 1203-1204, which motion prevailed on a voice vote.

Engrossed SB 2010, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to provide for making payments of insurance premiums tax collections to fire departments; to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the commissioner's salary; and to provide for reports to the budget section.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Laffen; Nething

Reengrossed SB 2010 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to Engrossed SCR 4003 as printed on SJ page 878, which motion prevailed on a voice vote.

Engrossed SCR 4003, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4003: A concurrent resolution supporting the Northern Tier Network Technology Initiative, its private enterprise partners, and the related activities of the Legislative Management's Information Technology Committee.

The question being on the final adoption of the amended resolution, which has been read.

Reengrossed SCR 4003 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

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

SCR 4013 as printed on SJ page 1092, which motion prevailed on a voice vote.

SCR 4013, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution urging Congress to adopt a federal balanced budget amendment.

The question being on the final adoption of the amended resolution, which has been read.

Engrossed SCR 4013 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do concur in the House amendments to Engrossed SCR 4015 as printed on SJ pages 1218-1219, which motion prevailed on a voice vote.

Engrossed SCR 4015, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4015: A concurrent resolution urging Congress and the President to pursue peace through strength in Iraq and Afghanistan and support American combat forces on duty in these countries and around the world.

The question being on the final adoption of the amended resolution, which has been read.

Reengrossed SCR 4015 was declared lost on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do concur in the House amendments to SB 2306 as printed on SJ pages 1217-1218, which motion prevailed on a voice vote.

SB 2306, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2306: A BILL for an Act to amend and reenact sections 6-09.7-02, 6-09.7-03, and 6-09.7-05 of the North Dakota Century Code, relating to the fuel production facility loan guarantee program; to repeal section 6-09.7-08 of the North Dakota Century Code, relating to state funding limitations for recipients of fuel production facility loan guarantees; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Laffen; Nothing

Engrossed SB 2306 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2024 as printed on SJ page 1215, which motion prevailed on a voice vote.

Engrossed SB 2024, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act to create and enact a new section to chapter 12-44.1 and two new sections to chapter 50-24.1 of the North Dakota Century Code, relating to inmate medical care costs, inmate medical claims processing, and medicaid coverage to inmates in certain situations; to amend and reenact subsection 4 of section 12-44.1-01 and sections 12-44.1-12.1 and 12-44.1-14 of the North Dakota Century Code, relating to adequate medical care and payment of medical costs of inmates; to provide an appropriation; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Laffen; Nething

Reengrossed SB 2024 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2043 as printed on SJ page 1216, which motion prevailed on a voice vote.

Engrossed SB 2043, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2043: A BILL for an Act to provide for a developmental disabilities system reimbursement project.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Laffen; Nething

Reengrossed SB 2043 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2011 as printed on SJ page 1289, which motion prevailed on a voice vote.

SB 2011, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the securities commissioner.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Laffen; Nothing

Engrossed SB 2011 passed.

POINT OF PERSONAL PRIVILEGE

SEN. FLAKOLL rose on a point of personal privilege.

REMARKS OF SENATOR FLAKOLL

MR. PRESIDENT: I would ask the Senate to pause from its important work to thank the flood fighters who are currently doing battle with high waters in the eastern part of the state. This battle was begun nearly two months ago and continues to be hard fought.

To give perspective on the immensity of the issue, Mr. President, I would ask all in the chamber to look up at the ceiling. The distance from your eyes to the ceiling is about the same distance that the water is above flood stage. As of today, that distance is about 21 feet, and it is rising.

At its crest, the river will have a flow equal to more than 11 million gallons, or the equivalent of almost 24 water towers, in a single minute. The rain and high wind forecast will also prove to be obstacles during the continued fight this weekend, leading many to predict this flood to be one of the top five floods in the history in my community.

Nonetheless, the people of North Dakota and the Red River Valley are resilient. During times of crisis, we hear a lot about "heroes". Now, not all heroes or super-heroes wear capes or have an "S" on their chest. In fact, the heroes I thank today often wear quite different attire. It may be a student in a Bison sweatshirt who is standing next to another wearing a UND hat. Next to them in the sandbag line may be an MSUM Dragon fan or a Concordia College student. The flood fighting effort includes everyday heroes who were born and raised in North Dakota as well as those from out of state. Even international students are pitching in to help save their new home community.

These volunteers are essential to the ongoing flood fighting effort and provide proof positive why this is the greatest place in the world to live.

Mr. President, I would ask the Senate to join me in recognizing and thanking the city and county workers as well as the men and women of the North Dakota National Guard who have been mobilized to help in this fight.

I would also like to extend a special thank you to the thousands of volunteers who have put in countless hours of their personal time to help preserve not just my home, but the homes and businesses of thousands of people.

These volunteers and professionals are a testament to the strength and will of the North Dakota people. Their tireless effort to protect and preserve the homes, businesses, and great economic engine of our Red River Valley epitomizes the spirit of our state to withstand adverse conditions and overcome great obstacles.

With a combination of modern innovation, true grit, and the North Dakota spirit, we must and we will triumph.

REQUEST

SEN. FLAKOLL REQUESTED that his remarks be printed in the Journal, which request was

granted.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1136, HB 1325, HB 1462.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1320, HB 1364.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1352.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1126, HB 1206.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1044, HB 1134, HB 1141, HB 1225, HB 1426.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1373, HCR 3018.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2002, SB 2006, SB 2010, SB 2011, SB 2022, SB 2024, SB 2043, SB 2115, SB 2248, SB 2275, SB 2306, SB 2323, SCR 4003, SCR 4013, and SCR 4015.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently failed to pass: SB 2248 and SCR 4015.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2017, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2017: Sens. Christmann; Wanzek; O'Connell

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2003, SB 2016, SB 2207, SB 2298, SB 2309, and SB 2369, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2003: Sens. Kilzer; Erbele; Warner

SB 2016: Sens. Grindberg; Holmberg; Warner

SB 2207: Sens. Oehlke; Nething; Mathern

SB 2298: Sens. Dever; Krebsbach; Mathern

SB 2309: Sens. Uglem; Dever; Mathern

SB 2369: Sens. Grindberg; Holmberg; Robinson

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 1015: Sens. Christmann; Wanzek; O'Connell

HB 1025: Sens. Kilzer; Fischer; Robinson

HB 1266: Sens. Berry; Uglem; Dever

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 2009: Reps. Monson; Skarphol; Williams

SB 2014: Reps. Bellew; Kreidt; Kaldor

SB 2019: Reps. Martinson; Dosch; Williams

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 2129: Reps. Weiler; Trottier; Winrich

SB 2271: Reps. Damschen; Porter; Kilichowski

SB 2308: Reps. Ruby; Owens; Gruchalla

SB 2320: Reps. Owens; Streyle; Zaiser

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 1267 and HB 1297.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1015 and HB 1025, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1015: Reps. Wieland; Pollert; Metcalf

HB 1025: Reps. Bellew; Kreidt; Kaldor

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1041, HB 1046, HB 1152, HB 1199, and HB 1424, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1041: Reps. Kreidt; Anderson; Holman

HB 1046: Reps. Froseth; Hatlestad; S. Meyer

HB 1152: Reps. J. Nelson; Devlin; Holman

HB 1199: Reps. Pietsch; Anderson; Conklin

HB 1424: Reps. Headland; Boe; Wrangham

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 1214.

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

MR. SPEAKER: Your signature is respectfully requested on: SCR 4007.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1224, HB 1232, HB 1314, HB 1321, HB 1413, HB 1421, HB 1422, HB 1423, HB 1425, HB 1435, HB 1442, HB 1452, HB 1456, HCR 3036, HCR 3037, HCR 3039.

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

MR. SPEAKER: The President has signed: HB 1224, HB 1232, HB 1314, HB 1321, HB 1413, HB 1421, HB 1422, HB 1423, HB 1425, HB 1435, HB 1442, HB 1452, HB 1456, HCR 3036, HCR 3037, HCR 3039.

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

MR. SPEAKER: The President has signed: HB 1328, HB 1329, HB 1334, HB 1338, HB 1355, HB 1382, HB 1386, HB 1389, HB 1393.

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

MR. PRESIDENT: The Speaker has signed: HB 1009, HB 1017, HB 1022, HB 1023, HB 1024, HB 1075, HB 1096, HB 1097, HB 1100, HB 1113, HB 1130, HB 1132, HB 1139, HB 1145, HB 1161, HB 1176, HB 1185, HB 1196, HB 1197, HB 1200, HB 1205, HB 1216, HB 1221, HB 1222, HB 1271, HB 1376, HB 1391, HB 1399, HB 1415, HB 1430.

MOTION

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

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., Monday, April 11, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1020, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1020 was placed on the Sixth order on the calendar.

Page 1, line 3, after the first semicolon insert "to amend and reenact section 4-14.2-02 of the North Dakota Century Code, relating to the northern crops council;"

Page 1, replace lines 20 through 22 with:

"Extension service	\$47,091,489	(\$64,835)	\$47,026,654
Soil conservation committee	<u>837,800</u>	<u>150,000</u>	<u>987,800</u>
Total all funds	\$47,929,289	\$85,165	\$48,014,454"

Page 1, remove line 24

Page 2, replace line 1 with:

"Total general fund	\$22,000,412	\$2,885,232	\$24,885,644
Full-time equivalent positions	255.75	1.00	256.75"

Page 2, replace line 22 with:

"Main research center	\$87,530,418	\$11,177,153	\$98,707,571"
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Page 2, replace line 26 with:

"Total all funds	\$87,530,418	\$11,177,153	\$98,707,571"
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Page 2, replace lines 28 and 29 with:

"Total general fund	\$42,517,151	\$12,056,845	\$54,573,996
Full-time equivalent positions	329.26	4.00	333.26"

Page 3, replace lines 9 and 10 with:

"Carrington research center	<u>6,727,962</u>	<u>398,526</u>	<u>7,126,488</u>
Total all funds	\$26,284,006	\$3,448,783	\$29,732,789"

Page 3, replace line 12 with:

"Total general fund	\$12,367,190	\$1,568,018	\$13,935,208"
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Page 3, replace line 25 with:

"Grand total general fund	\$79,913,767	\$17,093,291	\$97,007,058"
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Page 3, replace line 27 with:

"Grand total all funds	\$189,383,429	\$15,923,821	\$205,307,250"
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Page 4, remove lines 3 and 4

Page 4, replace line 11 with:

"Grape and wine program committee	250,000	200,000"
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Page 4, replace line 15 with:

"Total all funds	\$22,675,000	\$9,694,581"
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Page 4, replace line 17 with:

"Total general fund	\$17,700,000	\$7,191,650"
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Page 5, after line 17, insert:

"SECTION 8. GRAPE GROWING RESEARCH GRANTS. The main research center line item in subdivision 4 of section 1 of this Act includes \$200,000 from the general fund for the main research center to provide grants, in consultation with the grape growers association, to in-state research organizations to conduct grape growing research in the state, for the biennium beginning July 1, 2011, and ending June 30, 2013. The main research center shall require one dollar of matching funds for each four dollars of state funds provided on any grant award.

SECTION 9. AMENDMENT. Section 4-14.2-02 of the North Dakota Century Code is amended and reenacted as follows:

4-14.2-02. Northern crops council - Establishment - Chairman - Meetings - Compensation.

1. The northern crops council is established. The council shall establish policies for the operation of the northern crops institute. The council consists of:
 - a. The president of North Dakota state university of agriculture and applied science or the president's designee.
 - b. A representative selected by the North Dakota wheat commission.
 - c. A representative selected by the North Dakota oilseed council.
 - d. A representative selected by the North Dakota barley council.
 - e. A representative selected by the North Dakota soybean council.
 - f. The agriculture commissioner or the commissioner's designee.
 - g. Five to seven producers of northern crops selected by the members designated in subdivisions a through f.
 - h. Up to four representatives of industries that process northern crops selected by the members designated in subdivisions a through f.
2. a. The term of office for each member of the council, except the president of North Dakota state university of agriculture and applied science and the agriculture commissioner, is three years, and those members are limited to two 3-year terms. Each term of office begins with the first reorganizational meeting after the date of appointment.
 - b. Notwithstanding subdivision a. during the 2011-13 biennium, the council shall:
 - (1) Stagger by lot the terms of the producers of northern crops so that no more than one of the producers' terms expires in June 2013; and
 - (2) Stagger by lot the terms of the representatives of industries that process northern crops so that no more than one of the representatives' terms expires in June 2013.

3. The chairman of the council must be a member of the council elected annually by a majority vote of the council. Provided, the members designated in subdivisions a and f of subsection 1 are not eligible to serve as chairman.
4. The council shall meet at least three times annually at such times and places as must be determined by the council and may meet in special meeting upon such call and notice as may be prescribed by rules adopted by the council. A council member unable to attend a meeting of the council may be represented by a person who has a written proxy from the member."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1020 - Summary of Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Transportation Institute				
Total all funds	\$24,069,961	\$24,069,961	\$0	\$24,069,961
Less estimated income	22,150,333	22,150,333	0	22,150,333
General fund	\$1,919,628	\$1,919,628	\$0	\$1,919,628
Branch Research Centers				
Total all funds	\$28,812,789	\$31,957,789	(\$2,225,000)	\$29,732,789
Less estimated income	14,877,581	15,797,581	0	15,797,581
General fund	\$13,935,208	\$16,160,208	(\$2,225,000)	\$13,935,208
NDSU Extension Service				
Total all funds	\$48,744,454	\$48,494,454	(\$480,000)	\$48,014,454
Less estimated income	23,128,810	23,128,810	0	23,128,810
General fund	\$25,615,644	\$25,365,644	(\$480,000)	\$24,885,644
Northern Crops Institute				
Total all funds	\$3,347,307	\$3,347,307	\$0	\$3,347,307
Less estimated income	1,654,725	1,654,725	0	1,654,725
General fund	\$1,692,582	\$1,692,582	\$0	\$1,692,582
Main Research Center				
Total all funds	\$97,897,571	\$98,392,571	\$315,000	\$98,707,571
Less estimated income	43,973,575	44,133,575	0	44,133,575
General fund	\$53,923,996	\$54,258,996	\$315,000	\$54,573,996
Agronomy Seed Farm				
Total all funds	\$1,435,168	\$1,435,168	\$0	\$1,435,168
Less estimated income	1,435,168	1,435,168	0	1,435,168
General fund	\$0	\$0	\$0	\$0
Bill total				
Total all funds	\$204,307,250	\$207,697,250	(\$2,390,000)	\$205,307,250
Less estimated income	107,220,192	108,300,192	0	108,300,192
General fund	\$97,087,058	\$99,397,058	(\$2,390,000)	\$97,007,058

House Bill No. 1020 - Branch Research Centers - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Dickinson Research Center	\$5,588,562	\$6,388,562		\$6,388,562
Central Grasslands Research Center	2,865,847	2,865,847		2,865,847
Hettinger Research Center	3,373,175	3,373,175		3,373,175
Langdon Research Center	2,378,807	2,378,807		2,378,807
North Central Research Center	4,279,821	4,399,821		4,399,821
Williston Research Center	3,200,089	3,200,089		3,200,089
Carrington Research Center	7,126,488	9,351,488	(2,225,000)	7,126,488
Total all funds	\$28,812,789	\$31,957,789	(\$2,225,000)	\$29,732,789
Less estimated income	14,877,581	15,797,581	0	15,797,581
General fund	\$13,935,208	\$16,160,208	(\$2,225,000)	\$13,935,208
FTE	95.49	96.49	0.00	96.49

Department No. 628 - Branch Research Centers - Detail of Senate Changes

	Removes Funding for Capital Project¹	Total Senate Changes
Dickinson Research Center		
Central Grasslands Research Center		
Hettinger Research Center		
Langdon Research Center		
North Central Research Center		
Williston Research Center		
Carrington Research Center	(2,225,000)	(2,225,000)
Total all funds	(\$2,225,000)	(\$2,225,000)
Less estimated income	0	0
General fund	(\$2,225,000)	(\$2,225,000)
FTE	0.00	0.00

¹ Funding added by the House for the agronomy laboratory capital project at the Carrington Research Center is removed.

House Bill No. 1020 - NDSU Extension Service - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Extension Service	\$47,856,654	\$47,606,654	(\$580,000)	\$47,026,654
Soil Conservation Committee	887,800	887,800	100,000	987,800
Total all funds	\$48,744,454	\$48,494,454	(\$480,000)	\$48,014,454
Less estimated income	23,128,810	23,128,810	0	23,128,810
General fund	\$25,615,644	\$25,365,644	(\$480,000)	\$24,885,644
FTE	255.75	255.75	1.00	256.75

Department No. 630 - NDSU Extension Service - Detail of Senate Changes

	Restores Funding for SBARE Livestock Stewardship Initiative¹	Adds Funding for Soil Conservation Committee²	Removes Funding for Gearing up for Kindergarten³	Total Senate Changes
Extension Service	\$250,000		(\$830,000)	(\$580,000)
Soil Conservation Committee		100,000		100,000
Total all funds	\$250,000	\$100,000	(\$830,000)	(\$480,000)
Less estimated income	0	0	0	0
General fund	\$250,000	\$100,000	(\$830,000)	(\$480,000)
FTE	1.00	0.00	0.00	1.00

¹ Funding is restored for the State Board of Agricultural Research and Education (SBARE) initiative relating to livestock stewardship that was removed by the House.

² Funding is added for the soil conservation committee to increase the total funding provided from \$887,800 to \$987,800.

³ Funding provided in the executive budget to expand the Gearing Up for Kindergarten program to a statewide scope is removed.

House Bill No. 1020 - Northern Crops Institute - Senate Action

Section 4-14.2-02 of the North Dakota Century Code, relating to the Northern Crops Council, is amended and reenacted to permit the council to stagger the terms of producers of northern crops and representatives of industries so that no more than one producer and one representative's term expires in June 2013.

House Bill No. 1020 - Main Research Center - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Main Research Center	\$97,897,571	\$98,392,571	\$315,000	\$98,707,571
Total all funds	\$97,897,571	\$98,392,571	\$315,000	\$98,707,571
Less estimated income	43,973,575	44,133,575	0	44,133,575
General fund	\$53,923,996	\$54,258,996	\$315,000	\$54,573,996
FTE	329.26	332.26	1.00	333.26

Department No. 640 - Main Research Center - Detail of Senate Changes

	Removes Funding for the State Data Center ¹	Adds Funding for Grape Grower Research ²	Adds Funding for Livestock Stewardship SBARE Initiative ³	Total Senate Changes
Main Research Center	(\$125,000)	\$200,000	\$240,000	\$315,000
Total all funds	(\$125,000)	\$200,000	\$240,000	\$315,000
Less estimated income	0	0	0	0
General fund	(\$125,000)	\$200,000	\$240,000	\$315,000
FTE	(1.00)	0.00	2.00	1.00

¹ Funding and 1 FTE position added by the House for the SBARE initiative relating to the State Data Center is removed.

² Funding is added for a grant to conduct research relating to grape growing in the state to be administered by the Main Research Center in consultation with the Grape Growers Association. A section is added requiring a match of \$1 for each \$4 provided by the state prior to use of funding.

³ Funding is provided for an SBARE initiative to improve animal productivity and livestock stewardship for increased profitability in the North Dakota livestock industry. This initiative includes 2 FTE technician positions at the Main Research Center.

REPORT OF STANDING COMMITTEE

HB 1245, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1245, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 837 and 838 of the Senate Journal, Engrossed House Bill No. 1245 is amended as follows:

Page 1, line 2, replace "22" with "1"

Page 1, line 2, replace "57-39.2-04" with "57-39.2-02.1"

Page 1, line 3, remove "of thirty days or more"

Page 1, line 11, remove the overstrike over "~~for periods of~~"

Page 1, line 11, after "thirty" insert "ninety or fewer"

Page 1, line 11, remove the overstrike over "~~consecutive calendar days~~"

Page 2, line 1, remove the overstrike over "~~for periods of~~"

Page 2, line 1, after "thirty" insert "ninety or fewer"

Page 2, line 1, remove the overstrike over "~~consecutive calendar days~~"

Page 2, replace lines 23 through 30 with:

"SECTION 3. AMENDMENT. Subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as otherwise expressly provided in subsection 2 for sales of mobile homes used for residential or business purposes, and except as otherwise expressly provided in this chapter, there is imposed a tax of five percent upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as provided in this section, within this state of the following to consumers or users:
 - a. Tangible personal property, consisting of goods, wares, or merchandise, except mobile homes used for residential or business purposes and including bundled transactions consisting entirely of tangible personal property.
 - b. The furnishing or service of communication services or steam other than steam used for processing agricultural products.
 - c. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity and the playing of any machine for amusement or entertainment in response to the use of a coin. The tax imposed by this section applies only to eighty percent of the gross receipts collected from coin-operated amusement devices.
 - d. Magazines and other periodicals.
 - e. The leasing or renting of a hotel or motel room or tourist court accommodations for periods of ninety or fewer consecutive calendar days.
 - f. The leasing or renting of tangible personal property the transfer of title to which has not been subjected to a retail sales tax under this chapter or a use tax under chapter 57-40.2.
 - g. Sale, lease, or rental of a computer and prewritten computer software, including prewritten computer software delivered electronically or by load and leave. For purposes of this subdivision:
 - (1) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.
 - (2) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.
 - (3) "Delivered electronically" means delivered from the seller to the purchaser by means other than tangible storage media.

- (4) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
 - (5) "Load and leave" means delivery to the purchaser by use of a tangible storage media when the tangible storage media is not physically transferred to the purchaser.
 - (6) "Prewritten computer software" means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more "prewritten computer software" programs or prewritten portions thereof does not cause the combination to be other than "prewritten computer software". "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances "computer software" of which the person is not the author or creator, the person is deemed to be the author or creator only of such person's modifications or enhancements. "Prewritten computer software" or a prewritten portion thereof that is modified or enhanced to any degree, if such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains "prewritten computer software". However, if there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute "prewritten computer software".
- h. A mandatory computer software maintenance contract for prewritten computer software.
 - i. An optional computer software maintenance contract for prewritten computer software that provides only software upgrades or updates or an optional computer software maintenance contract for prewritten computer software that is a bundled transaction and provides software upgrades or updates and support services."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1289, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1289, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 913-917 of the Senate Journal, Engrossed House Bill No. 1289 is amended as follows:

Page 1, line 1, after "reenact" insert "section 57-38-30 and"

Page 1, line 2, after "for" insert "corporations and"

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

Page 1, line 3, after "date" insert "; and to provide an expiration date"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 57-38-30 of the North Dakota Century Code is amended and reenacted as follows:

57-38-30. Imposition and rate of tax on corporations.

A tax is hereby imposed upon the taxable income of every domestic and foreign corporation which must be levied, collected, and paid annually as in this chapter provided:

1. a. For the first twenty-five thousand dollars of taxable income, at the rate of ~~two~~one and ~~one-tenth~~ninety-three hundredths percent.
- b. On all taxable income exceeding twenty-five thousand dollars and not exceeding fifty thousand dollars, at the rate of ~~five~~four and ~~twenty-five~~eighty-three hundredths percent.
- c. On all taxable income exceeding fifty thousand dollars, at the rate of ~~six~~five and ~~four-tenth~~eighty-nine hundredths percent.
2. A corporation that has paid North Dakota alternative minimum tax in years beginning before January 1, 1991, may carry over any alternative minimum tax credit remaining to the extent of the regular income tax liability of the corporation for a period not to exceed four taxable years."

Page 4, line 24, after "for" insert "the first two"

Page 4, line 25, after "2010" insert ", and is thereafter ineffective"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1339, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1339 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "domestic"

Page 1, line 11, after "other" insert "state"

Page 1, line 11, after the underscored period insert "A local governing body may require a domestic brewery that intends to sell beer at retail to obtain a local retail alcoholic beverage license, and subject to the provisions of this section, require compliance with local regulations for the retail sale of alcoholic beverages."

Page 1, line 12, remove "domestic"

Page 1, line 18, remove "domestic"

Page 1, line 22, remove "domestic"

Page 1, line 24, remove "domestic"

Page 2, line 1, remove "domestic"

Page 2, line 6, remove "domestic"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1340: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1340 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "domestic"

Page 2, line 1, overstrike "domestic"

Page 2, line 10, overstrike "domestic"

Page 2, line 13, overstrike "domestic"

Page 2, line 17, overstrike the first "domestic"

Page 2, line 17, overstrike the second "domestic"

Page 2, line 25, overstrike "domestic"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1451, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1451, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 923 and 924 of the Senate Journal, Engrossed House Bill No. 1451 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-08.1-08 and 57-51.1-07.2 of the North Dakota Century Code, relating to the lands and minerals trust fund and the permanent oil tax trust fund; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-08.1-08 of the North Dakota Century Code is amended and reenacted as follows:

15-08.1-08. Income - Expenses - Reimbursement - Creation of lands and minerals trust.

The income derived from the sale, lease, and management of the mineral interests acquired by the board of university and school lands pursuant to this chapter and other funds as provided by law must, after deducting the expenses of sale, lease, and management of the property, be deposited in a fund to be known as the lands and minerals trust fund. Deposits in the lands and minerals trust fund are limited to one hundred fifty million dollars during a biennium and any amounts exceeding this limitation must be deposited in the permanent oil tax trust fund. The corpus and interest of ~~such~~the lands and minerals trust fund may be expended as the legislative assembly may provide.

SECTION 2. AMENDMENT. Section 57-51.1-07.2 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07.2. Permanent oil tax trust fund - Deposits - Interest-- Adjustment of distribution formula.

The state treasurer shall deposit ~~seventy-one million dollars~~the first two hundred million dollars of the state general fund share of revenue derived from taxes imposed on oil and gas under chapters 57-51 and 57-51.1 into the general fund, the next three hundred eighty-five million dollars of the state general fund share of revenue from these taxes into the property tax relief sustainability fund, and any additional state general fund share of revenue from these taxes into the permanent oil tax trust fund. ~~Revenue exceeding seventy-one million dollars must be deposited by the state treasurer in the permanent oil tax trust fund. Interest earnings of the permanent oil tax trust fund must be credited to the general fund. The principal of the permanent oil tax trust fund may not be expended except upon a two-thirds vote of the members elected to each house of the legislative assembly.~~

~~If the distribution formulas under chapter 57-51 or 57-51.1 are amended effective after June 30, 1997, the director of the budget shall adjust the seventy-one million dollar amount in this section by the same percentage increase or decrease in~~

~~the amount of revenue allocable to the general fund after the change in the allocation formula, and transfers to the permanent oil tax trust fund shall thereafter be made using that adjusted figure so that the dollar amount of the transfers to the permanent oil tax trust fund is not increased or decreased merely because of changes in the distribution formulas.~~

SECTION 3. EFFECTIVE DATE. This Act is effective July 1, 2011.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2193, as engrossed: Your conference committee (Sens. Miller, Heckaman, Larsen and Reps. Beadle, Kretschmar, Zaiser) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 877-878 and place SB 2193 on the Seventh order.

Engrossed SB 2193 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2213: Your conference committee (Sens. Schaible, Dever, Nelson and Reps. Karls, Grande, Guggisberg) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 878, adopt amendments as follows, and place SB 2213 on the Seventh order:

That the House recede from its amendments as printed on page 878 of the Senate Journal and page 1052 of the House Journal and that Senate Bill No. 2213 be amended as follows:

Page 1, line 2, after "employees" insert "; and to declare an emergency"

Page 1, line 10, overstrike "not more than"

Page 1, line 11, after "period" insert "and, upon approval of the employee's supervisor and pursuant to rules adopted by the director of the office of management and budget, the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition"

Page 1, after line 13, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2213 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