

JOURNAL OF THE HOUSE

Sixty-third Legislative Assembly

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Bismarck, April 10, 2013

The House convened at 8:03 a.m., with Speaker Devlin presiding.

The prayer was offered by Sister Anna Rose, Sanford Health St. Vincent's Care Center, Bismarck.

The roll was called and all members were present except Representative Becker.

A quorum was declared by the Speaker.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to Engrossed HB 1134 as printed on HJ pages 1258-1260 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1134: Reps. Drovdal, Froseth, S. Kelsh.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to Engrossed HB 1139 as printed on HJ page 1260 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1139: Reps. Schatz, Weisz, Oversen.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to Engrossed HB 1166 as printed on HJ page 1130 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1166: Reps. Owens, Schmidt, Zaiser.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to Engrossed HB 1440 as printed on HJ pages 1262-1264 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1440: Reps. Hofstad, Froseth, S. Kelsh.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. VIGESAA MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2032, SB 2047, SB 2072, Engrossed SB 2113, Engrossed SB 2126, SB 2163, SB 2207, Engrossed SB 2298, Reengrossed SB 2325, and SB 2330, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2032: Reps. Rohr, B. Koppelman, Mock
SB 2047: Reps. Kasper, Becker, Amerman
SB 2072: Reps. Headland, Kiefert, Boschee
Engrossed SB 2113: Reps. Klemin, Maragos, Hogan
Engrossed SB 2126: Reps. Sukut, Beadle, Gruchalla
SB 2163: Reps. Froseth, Dockter, Haak
SB 2207: Reps. Hatlestad, Trottier, S. Kelsh
Engrossed SB 2298: Reps. Ruby, Keiser, M. Nelson
Reengrossed SB 2325: Reps. Klein, Dockter, Strinden
SB 2330: Reps. Owens, Klein, S. Kelsh

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PORTER MOVED that the House do concur in the Senate amendments to Engrossed HCR 3010 as printed on HJ page 1264, which motion prevailed on a voice vote.

Engrossed HCR 3010, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3010: A concurrent resolution urging Congress and the United States Army Corps of Engineers to ensure that access to Lake Sakakawea and Lake Oahe for agriculture, commerce, energy and water development, and recreation is not inhibited by unreasonable regulations and to address proper funding for all project purposes and weed control on Lake Sakakawea and Lake Oahe.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read. The roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Becker

Reengrossed HCR 3010 was declared adopted on a recorded roll call vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. RUBY MOVED that the House do concur in the Senate amendments to Reengrossed HB 1263 as printed on HJ pages 1249-1250, which motion prevailed on a voice vote.

Reengrossed HB 1263, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1263: A BILL for an Act to create and enact paragraphs 37, 38, and 39 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to demerit points for driving without liability insurance; and to amend and reenact sections 39-06.1-05 and 39-06.1-09, subdivision b subsection 3 of section 39-06.1-10, and section 39-08-20 of the North Dakota Century Code, relating to procedures and demerit points for driving without liability insurance.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Becker

Reengrossed HB 1263 passed.

SIXTH ORDER OF BUSINESS

SPEAKER DEVLIN DEEMED approval of the amendments to SB 2005, Engrossed SB 2008, SB 2011, Engrossed SB 2171, Engrossed SB 2238, and SB 2354.

SB 2005, Engrossed SB 2008, SB 2011, Engrossed SB 2171, Engrossed SB 2238, and SB 2354, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Becker

SB 2005, as amended, passed.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.

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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor;

Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Drovdal

ABSENT AND NOT VOTING: Becker; Owens

Engrossed SB 2008, as amended, passed.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide a contingent appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigesaa; Wall; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Belter; Brabandt; Karls; Keiser; Martinson; Porter; Toman; Weisz

ABSENT AND NOT VOTING: Becker

SB 2011, as amended, passed.

SECOND READING OF SENATE BILL

SB 2171: A BILL for an Act to amend and reenact subsections 1 and 5 of section 57-02-08.1 of the North Dakota Century Code, relating to the homestead property tax credit; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Becker

Engrossed SB 2171, as amended, passed.

SECOND READING OF SENATE BILL

SB 2238: A BILL for an Act to reimburse school districts and nonpublic schools for expenses incurred in providing cardiopulmonary resuscitation training to students; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Bellew; Ruby

ABSENT AND NOT VOTING: Becker

Engrossed SB 2238, as amended, passed.

SECOND READING OF SENATE BILL

SB 2354: A BILL for an Act to provide an appropriation to the state department of health for a loan repayment program for dentists in public health and nonpublic dental clinics.

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 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Bellew; Brabandt; Streyle

ABSENT AND NOT VOTING: Becker

SB 2354, as amended, passed.

SECOND READING OF SENATE BILL

SB 2369: A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03, 16.1-03-05, 16.1-03-07, 16.1-03-08, 16.1-03-11, 16.1-03-14, 16.1-03-17, 16.1-04-01, 16.1-06-04, 16.1-11-22, 16.1-11-30, and 16.1-12-02 of the North Dakota Century Code, relating to political party organization, voting precincts, and primary election ballot access; and to repeal sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party organization.

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 84 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trotter; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

NAYS: Boe; Drovdal; Guggisberg; Hogan; Kelsh, S.; Kretschmar; Nelson, M.; Zaiser

ABSENT AND NOT VOTING: Becker; Schatz

Reengrossed SB 2369, as amended, passed.

ANNOUNCEMENT

SPEAKER DEVLIN ANNOUNCED that the House would stand in recess until 1:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Devlin presiding.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Sixty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1250, line 25, replace "Mathern" with "Marcellais"

Page 1265, line 8, replace " Dotzenrod; Anderson" with "Anderson; Dotzenrod"

Page 1265, line 29, replace "Nelson; Sitte" with "Sitte; Nelson"

REP. KRETSCHMAR MOVED that the report be adopted, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. K. KOPPELMAN MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2257, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

SB 2257: Reps. Steiner, Boehning, Hogan

REPORT OF STANDING COMMITTEE

SB 2016: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2016 was placed on the Sixth order on the calendar.

Page 1, replace line 12 with:

"Salaries and wages	\$35,270,584	\$155,118	\$35,425,702
Accrued leave payments	0	1,479,868	1,479,868"

Page 1, replace lines 20 through 22 with:

"Total all funds	\$70,496,698	\$8,412,489	\$78,909,187
Less estimated income	<u>68,616,806</u>	<u>8,390,133</u>	<u>77,006,939</u>
Total general fund	\$1,879,892	\$22,356	\$1,902,248"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2016 - Job Service North Dakota - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$38,391,976	\$38,391,976	(\$2,966,274)	\$35,425,702
Operating expenses	18,687,700	18,687,700		18,687,700
Capital assets	20,000	20,000		20,000
Grants	8,850,497	8,850,497		8,850,497
Workforce 20/20	1,541,924	1,541,924		1,541,924
Reed Act - Computer modernization	12,407,000	12,407,000		12,407,000
Federal stimulus funds	496,496	496,496		496,496
Accrued leave payments			1,479,868	1,479,868
Total all funds	\$80,395,593	\$80,395,593	(\$1,486,406)	\$78,909,187
Less estimated income	<u>78,479,603</u>	<u>78,479,603</u>	<u>(1,472,664)</u>	<u>77,006,939</u>
General fund	\$1,915,990	\$1,915,990	(\$13,742)	\$1,902,248
FTE	250.76	250.76	0.00	250.76

Department No. 380 - Job Service North Dakota - Detail of House Changes

	Corrects Executive Compensation Package ¹	Adjusts State Employee Compensation and Benefits Package ²	Provides Separate Line Item for Accrued Leave Payments ³	Total House Changes
Salaries and wages	\$6,950	(\$1,493,356)	(\$1,479,868)	(\$2,966,274)
Operating expenses				
Capital assets				
Grants				
Workforce 20/20				
Reed Act - Computer modernization				
Federal stimulus funds				
Accrued leave payments			1,479,868	1,479,868
Total all funds	\$6,950	(\$1,493,356)	\$0	(\$1,486,406)
Less estimated income	<u>6,881</u>	<u>(1,479,545)</u>	<u>0</u>	<u>(1,472,664)</u>
General fund	\$69	(\$13,811)	\$0	(\$13,742)
FTE	0.00	0.00	0.00	0.00

¹Funding is added due to a calculation error in the executive compensation package.

²This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.

- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

³A portion of salaries and wages funding from the general fund (\$9,313) and from other funds (\$1,470,555) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

REPORT OF STANDING COMMITTEE

SB 2021, as reengrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2021 was placed on the Sixth order on the calendar.

Page 1, line 2, after "54-59" insert "of the North Dakota Century Code, relating to information technology project planning; to amend and reenact sections 54-59-15 and 54-59-22 of the North Dakota Century Code, relating to acceptance of funds and to agencies exempted from certain services of the information technology department; to authorize a relocation of information technology hardware"

Page 1, replace line 13 with:

"Salaries and wages	\$47,383,177	\$2,546,361	\$49,929,538
Accrued leave payments	0	2,626,084	2,626,084"

Page 2, replace lines 1 through 3 with:

"Total all funds	\$172,217,340	(\$2,445,572)	\$169,771,768
Less estimated income	<u>153,165,136</u>	<u>(4,480,000)</u>	<u>148,685,136</u>
Total general fund	\$19,052,204	\$2,034,428	\$21,086,632"

Page 3, after line 2, insert:

"SECTION 5. INFORMATION TECHNOLOGY HARDWARE RELOCATION TO SECURE DATA CENTER. The attorney general, public service commission, and state water commission shall relocate all appropriate information technology hardware to the information technology department secure data center during the biennium beginning July 1, 2013, and ending June 30, 2015."

Page 3, after line 11, insert:

"SECTION 7. AMENDMENT. Section 54-59-15 of the North Dakota Century Code is amended and reenacted as follows:

54-59-15. Acceptance of funds.

The department may accept federal or other funds, which must be deposited in the information technology operating account or other accounts specified by the office of management and budget and which may be spent subject to legislative appropriation. The department may apply for any public or private grants available for the improvement of information technology.

SECTION 8. AMENDMENT. Section 54-59-22 of the North Dakota Century Code is amended and reenacted as follows:

54-59-22. Required use of electronic mail, file and print server administration, database administration, application server, and hosting services.

Each state agency and institution, excluding the legislative and judicial branches, and the institutions under the control of the state board of higher

education, the public employees retirement system, the retirement and investment office, the attorney general, and any entity exempted by the office of management and budget after advisement by the information technology department, shall obtain electronic mail, file and print server administration, database administration, storage, application server, and hosting services through a delivery system established by the information technology department in conjunction with the office of management and budget. The office of management and budget, after receiving advice from the information technology department, shall establish policies and guidelines for the delivery of services, including the transition from existing systems to functional consolidation, with consideration given to the creation of efficiencies, cost-savings, and improved quality of service."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2021 - Information Technology Department - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$54,437,801	\$54,461,316	(\$4,531,778)	\$49,929,538
Operating expenses	64,834,643	64,834,643		64,834,643
Capital assets	12,500,600	12,500,600		12,500,600
Center for Distance Education	6,072,187	6,072,187		6,072,187
Statewide Longitudinal Data System	1,870,754	1,870,754		1,870,754
Educational Technology Council	1,814,609	1,814,609		1,814,609
EduTech	8,279,530	8,279,530		8,279,530
K-12 wide area network	4,928,177	4,928,177		4,928,177
Geographic Information System	1,460,294	1,460,294		1,460,294
Health Information Technology Office	4,785,991	4,785,991		4,785,991
Criminal Justice Information Sharing	3,269,361	3,869,361		3,869,361
Federal stimulus funds	6,800,000	6,800,000		6,800,000
Accrued leave payments			2,626,084	2,626,084
Total all funds	\$171,053,947	\$171,677,462	(\$1,905,694)	\$169,771,768
Less estimated income	150,290,886	150,311,698	(1,626,562)	148,685,136
General fund	\$20,763,061	\$21,365,764	(\$279,132)	\$21,086,632
FTE	340.30	340.30	0.00	340.30

Department No. 112 - Information Technology Department - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Total House Changes
Salaries and wages	(\$1,905,694)	(\$2,626,084)	(\$4,531,778)
Operating expenses			
Capital assets			
Center for Distance Education			
Statewide Longitudinal Data System			
Educational Technology Council			
EduTech			
K-12 wide area network			
Geographic Information System			
Health Information Technology Office			
Criminal Justice Information Sharing			
Federal stimulus funds			
Accrued leave payments		2,626,084	2,626,084
Total all funds	(\$1,905,694)	\$0	(\$1,905,694)
Less estimated income	(1,626,562)	0	(1,626,562)
General fund	(\$279,132)	\$0	(\$279,132)
FTE	0.00	0.00	0.00

¹This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

²A portion of salaries and wages funding from the general fund (\$373,087) and from other funds (\$2,252,997) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

This amendment also:

- Provides for an authorization for relocation of the Attorney General, Public Service Commission, and State Water Commission's information technology hardware to the Information Technology Department secure data center.
- Amends Section 54-59-15, regarding acceptance of federal or other funds.
- Amends Section 54-59-22, removing agency exemptions from certain services of the Information Technology Department.

REPORT OF STANDING COMMITTEE

SB 2022, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2022 was placed on the Sixth order on the calendar.

Page 1, line 2, after "indigents" insert "; to amend and reenact subsection 1 of section 29-07-01.1 of the North Dakota Century Code, relating to the application fee for indigent defense services; and to provide legislative intent"

Page 1, replace lines 12 through 16 with:

"Commission on legal counsel for indigents	\$11,779,282	\$2,402,080	\$14,181,362
Accrued leave payments	<u>0</u>	<u>116,872</u>	<u>116,872</u>
Total all funds	\$11,779,282	\$2,518,952	\$14,298,234
Less special funds	<u>1,970,852</u>	<u>523,322</u>	<u>2,494,174</u>
Total general fund	\$9,808,430	\$1,995,630	\$11,804,060
Full-time equivalent positions	30.00	3.00	33.00

SECTION 2. AMENDMENT. Subsection 1 of section 29-07-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Lawyers provided to represent indigent persons must be compensated at a reasonable rate to be determined by the commission on legal counsel for indigents. Expenses necessary for the adequate defense of an indigent person prosecuted in district court, other than for a violation of a home rule county's ordinance, when approved by the commission, must be paid by the state. Expenses necessary for the adequate defense of an indigent person prosecuted for violation of a home rule county's ordinance must be paid by the home rule county. Expenses necessary for the adequate defense of an indigent person prosecuted in municipal court, when approved by the judge, must be paid by the city in which the alleged offense took place. The city shall also pay the expenses in any matter transferred to district court pursuant to section 40-18-06.2 or 40-18-15.1, in any appeal taken to district court from a judgment of

conviction in municipal court pursuant to section 40-18-19, and in an appeal or postconviction matter seeking relief from a conviction resulting from violation of a municipal ordinance. A defendant requesting representation by counsel at public expense, or for whom counsel provided at public expense without a request is considered appropriate by the court, shall submit an application for indigent defense services. For an application for indigent defense services in the district court, a nonrefundable application fee of ~~twenty-five~~^{thirty-five} dollars must be paid at the time the application is submitted. The district court may extend the time for payment of the fee or may waive or reduce the fee if the court determines the defendant is financially unable to pay all or part of the fee. If the application fee is not paid before disposition of the case, the fee amount must be added to the amount to be reimbursed under this section. Application fees collected under this subsection must be forwarded for deposit in the indigent defense administration fund established under subsection 4.

SECTION 3. LEGISLATIVE INTENT - REIMBURSEMENT OF ATTORNEY FEES. It is the intent of the sixty-third legislative assembly that a defendant who has been charged with a felony and for whom counsel is provided by the commission on legal counsel for indigents pays \$575 for reimbursement of attorney fees."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2022 - Commission on Legal Counsel for Indigent - House Action

	Executive Budget	Senate Version	House Changes	House Version
Comm. on Legal Counsel for Indigents	\$14,547,802	\$14,560,287	(\$378,925)	\$14,181,362
Accrued leave payments			116,872	116,872
Total all funds	\$14,547,802	\$14,560,287	(\$262,053)	\$14,298,234
Less estimated income	2,501,677	2,502,051	(7,877)	2,494,174
General fund	\$12,046,125	\$12,058,236	(\$254,176)	\$11,804,060
FTE	33.00	33.00	0.00	33.00

Department No. 188 - Commission on Legal Counsel for Indigent - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Total House Changes
Comm. on Legal Counsel for Indigents	(\$262,053)	(\$116,872)	(\$378,925)
Accrued leave payments		116,872	116,872
Total all funds	(\$262,053)	\$0	(\$262,053)
Less estimated income	(7,877)	0	(7,877)
General fund	(\$254,176)	\$0	(\$254,176)
FTE	0.00	0.00	0.00

¹This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market equity component from 2 to 4 percent per year for employees below the midpoint of their salary range up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.

- Removes funding for additional retirement contribution increases.

²A portion of salaries and wages funding from the general fund (\$113,366) and from other funds (\$3,506) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

Sections are added to amend subsection 1 of Section 29-07-01.1 to change the indigent defense application fee from \$25 to \$35 and to add legislative intent that reimbursement for indigent defense costs assessed to indigents charged with a felony be increased from \$525 to \$575.

REPORT OF STANDING COMMITTEE

SB 2023: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2023 was placed on the Sixth order on the calendar.

Page 1, replace line 12 with:

"Racing commission	\$447,501	\$98,684	\$546,185
Accrued leave payments	0	3,789	3,789
Total all funds	\$447,501	\$102,473	\$549,974"

Page 1, replace line 14 with:

"Total general fund	\$317,501	\$66,066	\$383,567"
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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2023 - Racing Commission - House Action

	Executive Budget	Senate Version	House Changes	House Version
Racing Commission	\$563,967	\$563,967	(\$17,782)	\$546,185
Accrued leave payments			3,789	3,789
Total all funds	\$563,967	\$563,967	(\$13,993)	\$549,974
Less estimated income	166,407	166,407	0	166,407
General fund	\$397,560	\$397,560	(\$13,993)	\$383,567
FTE	2.00	2.00	0.00	2.00

Department No. 670 - Racing Commission - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Total House Changes
Racing Commission	(\$13,993)	(\$3,789)	(\$17,782)
Accrued leave payments		3,789	3,789
Total all funds	(\$13,993)	\$0	(\$13,993)
Less estimated income	0	0	0
General fund	(\$13,993)	\$0	(\$13,993)
FTE	0.00	0.00	0.00

¹This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.

- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

²A portion of salaries and wages funding from the general fund (\$3,661) and from other funds (\$128) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

REPORT OF STANDING COMMITTEE

SB 2024, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2024 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 13 with:

"Comprehensive tobacco control	\$12,922,614	\$57,513	\$12,980,127
Accrued leave	<u>0</u>	<u>8,391</u>	<u>8,391</u>
Total special funds	\$12,922,614	\$65,904	\$12,988,518
Full-time equivalent positions	5.00	0.00	5.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2024 - Tobacco Prevention & Control Exec Comm - House Action

	Executive Budget	Senate Version	House Changes	House Version
Comprehensive tobacco control	\$13,016,197	\$19,436,746	(\$6,456,619)	\$12,980,127
Accrued leave payments			8,391	8,391
Total all funds	\$13,016,197	\$19,436,746	(\$6,448,228)	\$12,988,518
Less estimated income	<u>13,016,197</u>	<u>19,436,746</u>	<u>(6,448,228)</u>	<u>12,988,518</u>
General fund	\$0	\$0	\$0	\$0
FTE	5.00	8.00	(3.00)	5.00

Department No. 305 - Tobacco Prevention & Control Exec Comm - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Removes 3 FTE Positions ³	Decreases Funding for Comprehensive Tobacco Control ⁴	Total House Changes
Comprehensive tobacco control	(\$32,150)	(\$8,391)		(\$6,416,078)	(\$6,456,619)
Accrued leave payments		8,391			8,391
Total all funds	(\$32,150)	\$0	\$0	(\$6,416,078)	(\$6,448,228)
Less estimated income	<u>(32,150)</u>	<u>0</u>	<u>0</u>	<u>(6,416,078)</u>	<u>(6,448,228)</u>
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	(3.00)	0.00	(3.00)

¹ This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.

- Removes funding for additional retirement contribution increases.

² A portion of comprehensive tobacco control funding from other funds for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³ This amendment removes 1 FTE field coordinator position, 1 FTE statewide programs manager position, and 1 FTE evaluation program manager position added by the Senate. These positions were included as temporary positions in the executive recommendation.

⁴ This amendment removes funding added by the Senate to provide the Centers for Disease Control and Prevention (CDC) recommended level, as adjusted for inflation and estimated population increases.

SIXTH ORDER OF BUSINESS

SPEAKER DEVLIN DEEMED approval of the amendments to SB 2016, Reengrossed SB 2021, Engrossed SB 2022, SB 2023, and Engrossed SB 2024.

SB 2016, Reengrossed SB 2021, Engrossed SB 2022, SB 2023, and Engrossed SB 2024, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota.

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 91 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Koppelman, B.; Koppelman, K.

ABSENT AND NOT VOTING: Becker

SB 2016, as amended, passed.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department; to create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to information technology project planning; to amend and reenact sections 54-59-15 and 54-59-22 of the North Dakota Century Code, relating to acceptance of funds and to agencies exempted from certain services of the information technology department; to authorize a relocation of information technology hardware; and to provide for various transfers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt;

Brandenburg; Carlson; Damschen; Delmore; Dockter; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Pollert; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigesaas; Wall; Weisz; Williams; Zaiser; Speaker Devlin

NAYS: Delzer; Dosch; Grande; Keiser; Koppelman, B.; Koppelman, K.; Martinson; Nelson, M.; Porter; Rohr; Schatz; Toman; Wieland

ABSENT AND NOT VOTING: Becker

Reengrossed SB 2021, as amended, passed.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of the commission on legal counsel for indigents; to amend and reenact subsection 1 of section 29-07-01.1 of the North Dakota Century Code, relating to the application fee for indigent defense services; and to provide legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigesaas; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Rohr; Trottier

ABSENT AND NOT VOTING: Becker

Engrossed SB 2022, as amended, passed.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota racing commission.

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 65 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Boe; Boehning; Boschee; Brandenburg; Carlson; Delmore; Dockter; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Looyesen; Louser; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad;

Oversen; Owens; Pollert; Sanford; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Wall; Wieland; Williams; Zaiser

NAYS: Bellew; Belter; Brabandt; Damschen; Delzer; Dosch; Drovdal; Grande; Hanson; Hogan; Karls; Kasper; Klemin; Koppelman, B.; Larson; Meier; Paur; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Silbernagel; Toman; Vigesaa; Weisz; Speaker Devlin

ABSENT AND NOT VOTING: Becker

SB 2023, as amended, passed.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act to provide an appropriation for defraying the expenses of the comprehensive tobacco control advisory committee.

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 56 YEAS, 37 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Boe; Boschee; Brandenburg; Damschen; Delmore; Fehr; Glasheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klemin; Kreidt; Kretschmar; Laning; Looyen; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Paur; Pollert; Porter; Rust; Sanford; Silbernagel; Strinden; Thoreson; Trottier; Wall; Weisz; Williams; Zaiser

NAYS: Beadle; Bellew; Belter; Boehning; Brabandt; Carlson; Delzer; Dockter; Dosch; Drovdal; Frantsvog; Froseth; Grande; Headland; Karls; Kasper; Kempenich; Klein; Koppelman, B.; Koppelman, K.; Kreun; Larson; Louser; Nathe; Owens; Rohr; Ruby; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Toman; Vigesaa; Wieland; Speaker Devlin

ABSENT AND NOT VOTING: Becker

Engrossed SB 2024, as amended, passed.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2005, SB 2008, SB 2011, SB 2171, SB 2238, SB 2354, SB 2369.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2016, SB 2021, SB 2022, SB 2023, SB 2024.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1018, HB 1302, HB 1410, HCR 3006, HCR 3034.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1018

Page 1, line 2, after "society" insert "; and to provide an exemption"

Page 1, replace lines 11 through 21 with:

"Salaries and wages	\$9,477,860	\$2,736,938	\$12,214,798
Operating expenses	2,387,016	814,000	3,201,016
Capital assets	1,620,736	993,989	2,614,725
Grants	1,000,000	0	1,000,000
Cultural heritage grants	504,500	150,000	654,500

Yellowstone-Missouri-Fort Union	4,492	0	4,492
Total all funds	\$14,994,604	\$4,694,927	\$19,689,531
Less estimated income	<u>2,900,413</u>	<u>346,822</u>	<u>3,247,235</u>
Total general fund	\$12,094,191	\$4,348,105	\$16,442,296
Full-time equivalent positions	63.00	6.00	69.00"

Page 2, replace line 7 with:

"Lawrence Welk homestead purchase	0	100,000
Repairs and small capital projects	1,125,000	500,000"

Page 2, replace line 9 with:

"Historic sites exhibits	0	65,000
Traveling exhibits	0	250,000
Oil impact adjustments	0	50,000"

Page 2, replace lines 13 through 16 with:

"State's 125th celebration planning	50,000	150,000
Total all funds	\$1,590,700	\$1,265,000
Less estimated income	<u>650,000</u>	<u>0</u>
Total general fund	\$940,700	\$1,265,000"

Page 2, after line 29, insert:

"SECTION 5. EXEMPTION - TRAVELING EXHIBIT FUNDING. The capital assets line item contained in section 1 of this Act includes the sum of \$250,000 for the purpose of contracting for traveling exhibits. This funding is not subject to the provisions of section 54-44.1-11 or 55-02-09 and any unspent moneys as of June 30, 2015, may be deposited into the revolving fund established pursuant to section 55-02-04 and continued for the purpose of contracting for traveling exhibits.

SECTION 6. LAWRENCE WELK HOMESTEAD HISTORIC SITE PURCHASE - REPAIRS. The state historical society shall determine repairs that must be completed by the property owners and negotiate with the property owners to have those repairs made prior to the state's purchase of the Lawrence Welk homestead, during the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 7. FUNDING TRANSFER - EXCEPTION - AUTHORIZATION. Notwithstanding section 54-1604, the state historical society may transfer up to \$300,000 of appropriation authority from the operating expenses line item to the salaries and wages line item in section 1 of this Act for the biennium beginning July 1, 2013, and ending June 30, 2015. The state historical society shall notify the office of management and budget of any transfer made pursuant to this section."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1018 - State Historical Society - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$12,208,141	\$11,295,052	\$919,746	\$12,214,798
Operating expenses	2,816,016	2,766,016	435,000	3,201,016
Capital assets	2,014,725	1,749,725	865,000	2,614,725
Grants	1,000,000	1,000,000		1,000,000
Cultural heritage grants	504,500	654,500		654,500
Yellowstone-Missouri-Fort Union Comm	4,492	4,492		4,492
Accrued leave payments		<u>211,332</u>	<u>(211,332)</u>	
Total all funds	<u>\$18,547,874</u>	<u>\$17,681,117</u>	<u>\$2,008,414</u>	<u>\$19,689,531</u>
Less estimated income	<u>3,246,503</u>	<u>3,197,471</u>	<u>49,764</u>	<u>3,247,235</u>
General fund	\$15,301,371	\$14,483,646	\$1,958,650	\$16,442,296
FTE	69.00	68.00	1.00	69.00

Department No. 701 - State Historical Society - Detail of Senate Changes

	Restores Executive Compensation Package ¹	Removes Separate Line Item for Accrued Leave Payments ²	Restores Funding for Oil-Impacted Areas ³	Restores Funding for Traveling Exhibits ⁴	Restores Funding for Historic Site Exhibits ⁵	Restores Technology Coordinator Position ⁶
Salaries and wages	\$459,386	\$211,332	\$50,000			\$199,028
Operating expenses						
Capital assets				250,000	15,000	
Grants						
Cultural heritage grants						
Yellowstone-Missouri-Fort Union Comm						
Accrued leave payments		(211,332)				
Total all funds	\$459,386	\$0	\$50,000	\$250,000	\$15,000	\$199,028
Less estimated income	49,764	0	0	0	0	0
General fund	\$409,622	\$0	\$50,000	\$250,000	\$15,000	\$199,028
FTE	0.00	0.00	0.00	0.00	0.00	1.00

	Restores State Celebration Funding ⁷	Adds Funding for Courthouse Repairs ⁸	Adds Funding for Lawrence Welk Homestead Purchase ⁹	Adds Operating Expenses for Lawrence Welk Homestead ¹⁰	Adds Funding for Fort Totten Infirmary Repairs ¹¹	Adds Operating Expenses ¹²
Salaries and wages						
Operating expenses	50,000			85,000		300,000
Capital assets		250,000	100,000		250,000	
Grants						
Cultural heritage grants						
Yellowstone-Missouri-Fort Union Comm						
Accrued leave payments						
Total all funds	\$50,000	\$250,000	\$100,000	\$85,000	\$250,000	\$300,000
Less estimated income	0	0	0	0	0	0
General fund	\$50,000	\$250,000	\$100,000	\$85,000	\$250,000	\$300,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	\$919,746
Operating expenses	435,000
Capital assets	865,000
Grants	
Cultural heritage grants	
Yellowstone-Missouri-Fort Union Comm	
Accrued leave payments	(211,332)
Total all funds	\$2,008,414
Less estimated income	49,764
General fund	\$1,958,650
FTE	1.00

¹ Funding reductions made by the House to the state employee compensation and benefits package are restored to the Governor's recommended level.

² The accrued leave payments line item added by the House is removed and the associated funding returned to line items with salaries and wages funding.

³ The funding reduction made by the House for compensation or housing allowances for employees in oil-impacted areas is restored to the Governor's recommended level.

⁴ The funding reduction made by the House for traveling exhibits is restored to the Governor's recommended level.

⁵ The funding reduction made by the House for historic site exhibits is restored to the Governor's recommended level.

⁶ Funding and 1 FTE technology coordinator position included in the executive budget recommendation but removed by the House is restored.

⁷ The funding reduction made by the House for the state's 125th celebration is restored to the Governor's recommended level.

⁸ Funding is added for repairs to the Stutsman County Courthouse.

⁹ Funding is added to purchase the Lawrence Welk homestead historic site.

¹⁰ Funding is added for operating expenses for the Lawrence Welk homestead historic site for the second year of the 2013-15 biennium.

¹¹ Funding is added for repairs at the Fort Totten infirmary historical site.

¹² Funding is added to allow the State Historical Society to either contract for or hire temporary staff.

A section relating to retention of the traveling exhibit funds for use in the 2015-17 biennium which was removed by the House is restored.

A section is added regarding repairs that must be made to the Lawrence Welk homestead by the property owners prior to purchase by the state.

A section is added authorizing the State Historical Society to transfer up to \$300,000 of appropriation authority from the operating expenses line item to the salaries and wages line item.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1302

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to sections 27-20-10, 27-20-31, and 39-06.1-10 and a new section to chapter 39-20 of the North Dakota Century Code, relating to the twenty-four seven sobriety program; to amend and reenact subsection 3 of section 29-06-15, subsection 7 of section 39-06.1-10, sections 39-06.1-11, 39-08-01, 39-08-01.2, 39-08-01.4, 39-20-01, 39-20-03.1, 39-20-04, 39-20-04.1, and 39-20-05, subsections 6 and 10 of section 39-20-07, and section 39-20-14 of the North Dakota Century Code, relating to driving while under the influence; to provide for an underage drinking prevention program; to provide for a legislative management study; to provide a penalty; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 27-20-10 of the North Dakota Century Code is created and enacted as follows:

If a child is subject to informal adjustment for a violation of section 39-08-01 or equivalent ordinance, or if a child is found to have an alcohol concentration of at least two one-hundredths of one percent by weight at the time of performance of a test within two hours after driving or being in physical control of a motor vehicle, the juvenile court may require the child to participate in the twenty-four seven sobriety program under chapter 54-12 for up to nine months.

SECTION 2. A new subsection to section 27-20-31 of the North Dakota Century Code is created and enacted as follows:

If a child is adjudicated delinquent for a violation of section 39-08-01 or equivalent ordinance, or if a child is found to have an alcohol concentration of at least two one-hundredths of one percent by weight at the time of performance of a test within two hours after driving or being in

physical control of a motor vehicle, the juvenile court may require the child to participate in the twenty-four seven sobriety program under chapter 54-12.

SECTION 3. AMENDMENT. Subsection 3 of section 29-06-15 of the North Dakota Century Code is amended and reenacted as follows:

3. If a law enforcement officer has reasonable cause to believe an individual has violated a lawful order of a court of this state which requires the individual to participate in the twenty-four seven sobriety program authorized in sections 54-12-27 through 54-12-31, the law enforcement officer may immediately take the individual into custody without a warrant. An individual taken into custody under this subsection may not be released on bail or on the individual's personal recognizance unless the individual has made a personal appearance before a magistrate.

SECTION 4. AMENDMENT. Subsection 7 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

7. The period of suspension imposed for a violation of section 39-08-01 or equivalent ordinance is:
 - a. Ninety-one days if the operator's record shows the person has not violated section 39-08-01 or equivalent ordinance within the five~~seven~~ years preceding the last violation.
 - b. One hundred eighty days if the operator's record shows the person has not violated section 39-08-01 or equivalent ordinance within five~~the seven~~ years preceding the last violation and the violation was for an alcohol concentration of at least eighteen one-hundredths of one percent by weight.
 - c. Three hundred sixty-five days if the operator's record shows the person has once violated section 39-08-01 or equivalent ordinance within the five~~seven~~ years preceding the last violation.
 - d. Two years if the operator's record shows the person has at least once violated section 39-08-01 or equivalent ordinance within the five~~seven~~ years preceding the last violation and the violation was for an alcohol concentration of at least eighteen one-hundredths of one percent by weight.
 - e. Two years if the operator's record shows the person has at least twice violated section 39-08-01 or equivalent ordinance within the five~~seven~~ years preceding the last violation.
 - f. Three years if the operator's record shows the person has at least twice violated section 39-08-01 or equivalent ordinance within the five~~seven~~ years preceding the last violation and the violation is for an alcohol concentration of at least eighteen one-hundredths of one percent by weight.

SECTION 5. A new subsection to section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

An individual who has a temporary restricted driver's license with the restriction the individual participates in the twenty-four seven sobriety program under chapter 54-12 is not subject to the suspension periods under this section.

SECTION 6. AMENDMENT. Section 39-06.1-11 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-11. Temporary restricted license - Ignition interlock device.

1. Except as provided under subsection 2, if the director has suspended a license under section 39-06.1-10 or has extended a suspension or revocation under section 39-06-43, upon receiving written application from the offender affected, the director may for good cause issue a temporary restricted operator's license valid for the remainder of the suspension period after seven days of the suspension period have passed.
2. If the director has suspended a license under chapter 39-20, or after a violation of section 39-08-01 or equivalent ordinance, upon written application of the offender the director may issue ~~for good cause~~ a temporary restricted license that takes effect after thirty days of the suspension have been served after a first offense under section 39-08-01 or chapter 39-20, but if the offender is participating in the twenty-four seven sobriety program under chapter 54-12, the director may issue a temporary restricted license that takes effect after fifteen days of the suspension have been served. The director may not issue a temporary restricted license to any offender whose operator's license has been revoked under section 39-20-04 or suspended upon a second or subsequent offense under section 39-08-01 or chapter 39-20, except that a temporary restricted license may be issued in accordance with subsection 5 if the offender is participating in the twenty-four seven sobriety program under chapter 54-12 or for good cause if the offender has not committed an offense for a period of two years before the date of the filing of a written application that must be accompanied by a report from an appropriate licensed addiction treatment program or if the offender is participating in the drug court program and has not committed an offense for a period of three hundred sixty-five days before the date of the filing of a written application that must be accompanied by a recommendation from the district court. The director may conduct a hearing for the purposes of obtaining information, reports, and evaluations from courts, law enforcement, and citizens to determine the offender's conduct and driving behavior during the prerequisite period of time. The director may also require that an ignition interlock device be installed in the offender's vehicle.
3. The director may not issue a temporary restricted license for a period of license revocation or suspension imposed under subsection 5 of section 39-06-17 or section 39-06-31. A temporary restricted license may be issued for suspensions ordered under subsection 7 of section 39-06-32 if it could have been issued had the suspension resulted from in-state conduct.
4. A restricted license issued under this section is solely for the use of a motor vehicle during the licensee's normal working hours, or as provided under subsection 5, and may contain any other restrictions authorized by section 39-06-17. Violation of a restriction imposed according to this section is deemed a violation of section 39-06-17.
5. If an offender has been charged with, or convicted of, a second or subsequent violation of section 39-08-01 or equivalent ordinance, or if the offender's license is subject to suspension under chapter 39-20 and the offender's driver's license is not subject to an unrelated suspension or revocation, the director shall issue a temporary restricted driver's permit license to the offender only for the purpose of participation upon the restriction the offender participate in the twenty-four seven sobriety program upon under chapter 54-12. The offender shall submit an application to the director for a temporary restricted license along with submission of proof of financial responsibility and proof of participation in the twenty-four seven sobriety program by the offender to receive a temporary restricted license. If a court or the parole board finds that an offender has violated a condition of the twenty-four seven sobriety program, the court or parole board may order the temporary restricted

~~driver's permit be revoked and take possession of the temporary restricted driver's permit. The court or the parole board shall send a copy of the order to the director who shall record the revocation of the temporary restricted driver's permit. Revocation of a temporary restricted driver's permit for violation of a condition of the twenty-four seven sobriety program does not preclude the offender's eligibility for a temporary restricted driver's license under any other provisions of this section.~~

SECTION 7. AMENDMENT. Section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

39-08-01. Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle - Penalty.

1. A person may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
 - a. That person has an alcohol concentration of at least eight one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - d. That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.

The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless a drug which predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.

2. Unless as otherwise provided in section 39-08-01.2, an individual violating this section or equivalent ordinance is guilty of a class B misdemeanor for the first or second offense in a ~~five-year~~seven-year period, of a class A misdemeanor for a third offense in a ~~five-year~~seven-year period, of a class A misdemeanor for the fourth offense in a ~~seven-year~~seven-year period, and of a class C felony for a fifth or subsequent ~~offense in a seven-year period~~C felony for any fourth or subsequent offense regardless of the length of time since the previous offense. The minimum penalty for violating this section is as provided in subsection 4. The court shall take judicial notice of the fact that an offense would be a subsequent offense if indicated by the records of the director or may make a subsequent offense finding based on other evidence.
3. Upon conviction of a second or subsequent offense within ~~five~~seven years under this section or equivalent ordinance, the court ~~must~~may order the motor vehicle number plates of all of the motor vehicles owned and operated by the offender at the time of the offense to be impounded for the duration of the period of suspension or revocation of the offender's driving privilege by the licensing authority. The impounded number plates must be sent to the director who must retain them for the period of suspension or revocation, subject to their disposition by the court. The court may make an exception to this subsection, on an individual basis, to avoid undue hardship to an individual who is completely dependent on the motor vehicle for the necessities of life, including a family member of

the convicted individual and a coowner of the motor vehicle, ~~but not including~~ or if the offender is participating in the twenty-four seven sobriety program.

4. A person convicted of violating this section, or an equivalent ordinance, must be sentenced in accordance with this subsection. For purposes of this subsection, unless the context otherwise requires, "drug court program" means a district court-supervised treatment program approved by the supreme court which combines judicial supervision with alcohol and drug testing and chemical addiction treatment in a licensed treatment program. The supreme court may adopt rules, including rules of procedure, for drug courts and the drug court program.
 - a.
 - (1) For a first offense, the sentence must include both a fine of at least ~~two hundred fifty~~ five hundred dollars and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - (2) In addition, for a first offense when the convicted person has an alcohol concentration of at least eighteen one-hundredths of one percent by weight, the offense is an aggravated first offense and the sentence must include at least two days' imprisonment or twenty hours community service.
 - b. For a second offense within ~~five~~ seven years, the sentence must include at least ~~five~~ ten days' imprisonment ~~or placement in a minimum security facility~~, of which forty-eight hours must be served consecutively; ~~or thirty days' community service~~; a fine of at least ~~five hundred~~ one thousand dollars; ~~and an order for addiction evaluation by an appropriate licensed addiction treatment program; and at least twelve months' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.~~
 - c. For a third offense within ~~five~~ seven years, the sentence must include at least ~~sixty~~ one hundred twenty days' imprisonment ~~or placement in a minimum security facility~~, of which forty-eight hours must be served consecutively; a fine of ~~one~~ at least two thousand dollars; ~~and an order for addiction evaluation by an appropriate licensed addiction treatment program; at least one year's supervised probation; and participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.~~
 - d. For a fourth or subsequent offense ~~within seven years~~, the sentence must include at least one hundred eighty days' year and one day's imprisonment ~~or placement in a minimum security facility~~, of which ~~forty-eight hours must be served consecutively~~; a fine of one thousand dollars; ~~and an order for addiction evaluation by an appropriate licensed treatment program; at least two years' supervised probation; and participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.~~
 - e. ~~The execution or imposition of sentence under this section may not be suspended or deferred under subsection 3 or 4 of section 12.1-32-02 for an offense subject to this section.~~
 - f. If the offense is subject to subdivision a or b, a municipal court or district court may not suspend a sentence. If the offense is subject to subdivision c, the district court may suspend a sentence, except for sixty days' imprisonment, under subsection 3 of section 12.1-32-02 on the condition that the defendant first undergo and complete an evaluation for alcohol and substance abuse treatment and rehabilitation and upon completion of the twenty-four seven sobriety program. If the offense is subject to subdivision d, the district court may suspend a sentence, except for one year's imprisonment, under

~~subsection 3 of section 12.1-32-02 on the condition that the defendant first undergo and complete an evaluation for alcohol and substance abuse treatment and rehabilitation. If the offense is subject to subdivision c or d, the district court may suspend a sentence, except for ten days' imprisonment, under subsection 3 or 4 of section 12.1-32-02 on the condition that the defendant first undergo and complete an evaluation for alcohol and substance abuse treatment and rehabilitation. If the defendant is found to be in need of alcohol and substance abuse treatment and rehabilitation, the district court may order the defendant placed under the supervision and management of the department of corrections and rehabilitation and is subject to the conditions of probation under section 12.1-32-07. The district court shall require the defendant to complete alcohol and substance abuse treatment and rehabilitation under the direction of the drug court program as a condition of probation in accordance with rules adopted by the supreme court. If the district court finds that a defendant has failed to undergo an evaluation or complete treatment or has violated any condition of probation, the district court shall revoke the defendant's probation and shall sentence the defendant in accordance with this subsection.~~

- ~~f.g.~~ For purposes of this section, conviction of an offense under a law or ordinance of another state which is equivalent to this section must be considered a prior offense if such offense was committed within the time limitations specified in this ~~subsection~~section.
- ~~g.h.~~ If the penalty mandated by this section includes imprisonment or placement upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs treatment, the court may order the defendant to undergo treatment at an appropriate licensed addiction treatment program and the time spent by the defendant in the treatment must be credited as a portion of a sentence of imprisonment or placement under this section.
5. As used in subdivision b of subsection 4, the term "imprisonment" includes house arrest. As a condition of house arrest, a defendant may not consume alcoholic beverages. The house arrest must include a program of electronic home detention ~~in which and the defendant is tested at least twice daily for the consumption of alcohol~~shall participate in the twenty-four seven sobriety program. The defendant shall defray all costs associated with the electronic home detention. ~~This subsection does not apply to individuals committed to or under the supervision and management of the department of corrections and rehabilitation. For an offense under subsection c of subdivision 4, no more than ninety percent of the sentence may be house arrest.~~
6. As used in this title, participation in the twenty-four seven sobriety program under chapter 54-12 means compliance with sections 54-12-27 through 54-12-31, and requires sobriety breath testing twice per day seven days per week or electronic alcohol monitoring, urine testing, or drug patch testing. The offender is responsible for all twenty-four seven sobriety program fees and the court may not waive the fees, except upon a finding of indigence the court may waive fifty percent of the twenty-four seven sobriety program fees.
7. An individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state who refuses to submit to a chemical test, or tests required under sections 39-06.2-10.2, 39-20-01, or 39-20-14, is guilty of an offense under this section.

SECTION 8. AMENDMENT. Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol.

1. ~~If an individual is convicted of an offense under chapter 12.1-16 and the conviction is based in part on the evidence of the individual's operation of a motor vehicle while under the influence of alcohol or drugs, the sentence imposed must include at least one year's imprisonment if the individual was an adult at the time of the offense.~~
2. ~~If an individual is convicted of violating section 39-08-01, or section 39-08-03 based in part on the evidence of the individual's operation of a motor vehicle while under the influence of alcohol or drugs, and the violation caused serious bodily injury, as defined in section 12.1-01-04, to another individual, that individual is guilty of a class A misdemeanor and the sentence must include at least ninety days' imprisonment if the individual was an adult at the time of the offense.~~
3. ~~The sentence under this section may not be suspended unless the court finds that manifest injustice would result from imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. If the finding of guilt is by jury verdict, the verdict form must indicate that the jury found the elements that create the minimum sentence.~~

1. An individual is guilty of criminal vehicular homicide if the individual commits an offense under section 39-08-01, or equivalent ordinance, and as a result the individual willfully causes a death of another individual to occur, including the death of an unborn child, unless the individual is the mother of the unborn child. A violation of this subsection is a class A felony. If an individual commits a violation under this subsection, the court shall impose at least three years' imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten years' imprisonment. An individual may not be prosecuted and found guilty of this and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01, or equivalent ordinance, and as a result that individual willfully causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class C felony. If an individual violates this subsection, the court shall impose at least one year's imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least two years' imprisonment.
3. The sentence under this section may not be suspended unless the court finds that manifest injustice would result from the imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. The elements of an offense under this section are the elements of an offense for a violation of section 39-08-01 and the additional elements that create an offense in each subsection of this section.

SECTION 9. AMENDMENT. Section 39-08-01.4 of the North Dakota Century Code is amended and reenacted as follows:

39-08-01.4. Driving while under the influence of alcohol while being accompanied by a minor - Penalty.

It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous

conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony.

SECTION 10. AMENDMENT. Section 39-20-01 of the North Dakota Century Code is amended and reenacted as follows:

39-20-01. Implied consent to determine alcohol concentration and presence of drugs.

1. Any individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state is deemed to have given consent, ~~and shall consent~~, subject to the provisions of this chapter, to a chemical test, or tests, of the blood, breath, or urine for the purpose of determining the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine. As used in this chapter, the word "drug" means any drug or substance or combination of drugs or substances which renders an individual incapable of safely driving, and the words "chemical test" or "chemical analysis" mean any test to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, approved by the director of the state crime laboratory or the director's designee under this chapter.
2. The test or tests must be administered at the direction of a law enforcement officer only after placing the individual, except individuals mentioned in section 39-20-03, under arrest and informing that individual that the individual is or will be charged with the offense of driving or being in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor, drugs, or a combination thereof. For the purposes of this chapter, the taking into custody of a child under section 27-20-13 or an individual under twenty-one years of age satisfies the requirement of an arrest.
3. The law enforcement officer shall ~~also~~ inform the individual charged that North Dakota law requires the individual to take the test to determine whether the individual is under the influence of alcohol or drugs; that refusal to take the test directed by the law enforcement officer is a crime punishable in the same manner as driving under the influence; and that refusal of the individual to submit to the test determined appropriate will directed by the law enforcement officer may result in a revocation for a minimum of one hundred eighty days and up to four three years of the individual's driving privileges. The law enforcement officer shall determine which of the tests is to be used.
4. When an individual under the age of eighteen years is taken into custody for violating section 39-08-01 or an equivalent ordinance, the law enforcement officer shall attempt to contact the individual's parent or legal guardian to explain the cause for the custody. Neither the law enforcement officer's efforts to contact, nor any consultation with, a parent or legal guardian may be permitted to interfere with the administration of chemical testing requirements under this chapter. The law enforcement officer shall mail a notice to the parent or legal guardian of the minor within ten days after the test results are received or within ten days after the minor is taken into custody if the minor refuses to submit to testing. The notice must contain a statement of the test performed and the results of that test; or if the minor refuses to submit to the testing, a statement notifying of that fact. The attempt to contact or the contacting or notification of a parent or legal guardian is not a precondition to the admissibility of chemical test results or the finding of a consent to, or refusal of, chemical testing by the individual in custody.

SECTION 11. AMENDMENT. Section 39-20-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-20-03.1. Action following test result for a resident operator.

If a person submits to a test under section 39-20-01, 39-20-02, or 39-20-03 and the test shows that person to have an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle, the following procedures apply:

1. The law enforcement officer shall immediately issue to that person a temporary operator's permit if the person then has valid operating privileges, extending driving privileges for the next twenty-five days, or until earlier terminated by the decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state.
2. If a test administered under section 39-20-01 or 39-20-03 was by urine sample or by drawing blood as provided in section 39-20-02 and the individual tested is not a resident of an area in which the law enforcement officer has jurisdiction, the law enforcement officer shall, on receiving the analysis of the urine or blood from the director of the state crime laboratory or the director's designee and if the analysis shows that individual had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, either proceed in accordance with subsection 1 during that individual's reappearance within the officer's jurisdiction, proceed in accordance with subsection 3, or notify a law enforcement agency having jurisdiction where the individual lives. On that notification, that law enforcement agency shall, within twenty-four hours, forward a copy of the temporary operator's permit to the law enforcement agency making the arrest or to the director. The law enforcement agency shall issue to that individual a temporary operator's permit as provided in this section, and shall sign and date the permit as provided in subsection 1.
3. If the test results indicate an alcohol concentration at or above the legal limit, the law enforcement agency making the arrest may mail a temporary operator's permit to the individual who submitted to the blood or urine test, whether or not the individual is a resident of the area in which the law enforcement officer has jurisdiction. The third day after the mailing of the temporary operator's permit is considered the date of issuance. Actual notice of the opportunity for a hearing under this section is deemed to have occurred seventy-two hours after the notice is mailed by regular mail to the address submitted by the individual to the law enforcement officer. The temporary operator's permit serves as the director's official notification to the individual of the director's intent to revoke, suspend, or deny driving privileges in this state.
4. The law enforcement officer, within five days of the issuance of the temporary operator's permit, shall forward to the director a certified written report in the form required by the director. If the individual was issued a temporary operator's permit because of the results of a test, the report must show that the officer had reasonable grounds to believe the individual had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01, or equivalent ordinance, that the individual was lawfully arrested, that the individual was tested for alcohol concentration under this chapter, and that the results of the test show that the individual had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight. In addition to the operator's

license and report, the law enforcement officer shall forward to the director a certified copy of the operational checklist and test records of a breath test and a copy of the certified copy of the analytical report for a blood or urine test for all tests administered at the direction of the officer.

5. An individual charged with a violation of section 39-08-01 or equivalent ordinance may elect to participate in the twenty-four seven sobriety program under chapter 54-12 in lieu of the administrative hearing under this chapter if the individual's driver's license is not subject to an unrelated suspension or revocation. Notwithstanding any other provision of law, an individual may not receive a temporary restricted operator's license unless the individual has exhausted administrative procedures. The director shall issue a temporary restricted driver's license with the restriction the individual participate in the twenty-four seven sobriety program upon application by the individual with submission of proof of financial responsibility and proof of participation in the twenty-four seven sobriety program under chapter 54-12.

SECTION 12. AMENDMENT. Section 39-20-04 of the North Dakota Century Code is amended and reenacted as follows:

39-20-04. Revocation of privilege to drive motor vehicle upon refusal to submit to testing.

1. If a person refuses to submit to testing under section 39-20-01 or 39-20-14, none may be given, but the law enforcement officer shall immediately take possession of the person's operator's license if it is then available and shall immediately issue to that person a temporary operator's permit, if the person then has valid operating privileges, extending driving privileges for the next twenty-five days or until earlier terminated by a decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke driving privileges in this state and of the hearing procedures under this chapter. The director, upon the receipt of that person's operator's license and a certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the temporary operator's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01 or equivalent ordinance or, for purposes of section 39-20-14, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully arrested if applicable, and that the person had refused to submit to the test or tests under section 39-20-01 or 39-20-14, shall revoke that person's license or permit to drive and any nonresident operating privilege for the appropriate period under this section, or if the person is a resident without a license or a permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit for the appropriate period under this section after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's operator's license the director shall give credit for time in which the person was without an operator's license after the day of the person's refusal to submit to the test except that the director may not give credit for time in which the person retained driving privileges through a temporary operator's permit issued under this section or section 39-20-03.2. The period of revocation or denial of issuance of a license or permit under this section is:

- a. ~~One year~~hundred eighty days if the person's driving record shows that within the ~~five~~seven years preceding the most recent violation of this section, the person's operator's license has not previously been suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
 - b. ~~Three~~Two years if the person's driving record shows that within the ~~five~~seven years preceding the most recent violation of this section, the person's operator's license has been once previously suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
 - c. ~~Four~~Three years if the person's driving record shows that within the ~~five~~seven years preceding the most recent violation of this section, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination of the same, and the suspensions, revocations, or denials resulted from at least two separate arrests.
2. A person's driving privileges are not subject to revocation under subdivision a of subsection 1 if all of the following criteria are met:
 - a. An administrative hearing is not held under section 39-20-05;
 - b. The person mails an affidavit to the director within twenty-five days after the temporary operator's permit is issued. The affidavit must state that the person:
 - (1) Intends to voluntarily plead guilty to violating section 39-08-01 or equivalent ordinance within twenty-five days after the temporary operator's permit is issued;
 - (2) Agrees that the person's driving privileges must be suspended as provided under section 39-06.1-10;
 - (3) Acknowledges the right to a section 39-20-05 administrative hearing and section 39-20-06 judicial review and voluntarily and knowingly waives these rights; and
 - (4) Agrees that the person's driving privileges must be revoked as provided under this section without an administrative hearing or judicial review, if the person does not plead guilty within twenty-five days after the temporary operator's permit is issued, or the court does not accept the guilty plea, or the guilty plea is withdrawn;
 - c. The person pleads guilty to violating section 39-08-01 or equivalent ordinance within twenty-five days after the temporary operator's permit is issued;
 - d. The court accepts the person's guilty plea and a notice of that fact is mailed to the director within twenty-five days after the temporary operator's permit is issued; and
 - e. A copy of the final order or judgment of conviction evidencing the acceptance of the person's guilty plea is received by the director prior to the return or reinstatement of the person's driving privileges; ~~and.~~
 - f. ~~The person has never been convicted under section 39-08-01 or equivalent ordinance.~~
 3. The court must mail a copy of an order granting a withdrawal of a guilty plea to violating section 39-08-01, or equivalent ordinance, to the director

within ten days after it is ordered. Upon receipt of the order, the director shall immediately revoke the person's driving privileges as provided under this section without providing an administrative hearing.

SECTION 13. AMENDMENT. Section 39-20-04.1 of the North Dakota Century Code is amended and reenacted as follows:

39-20-04.1. Administrative sanction for driving or being in physical control of a vehicle while having certain alcohol concentration.

1. After the receipt of the certified report of a law enforcement officer and if no written request for hearing has been received from the arrested person under section 39-20-05, or if that hearing is requested and the findings, conclusion, and decision from the hearing confirm that the law enforcement officer had reasonable grounds to arrest the person and test results show that the arrested person was driving or in physical control of a vehicle while having an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight at the time of the performance of a test within two hours after driving or being in physical control of a motor vehicle, the director shall suspend the person's driving privileges as follows:
 - a. For ninety-one days if the person's driving record shows that, within the ~~five~~seven years preceding the date of the arrest, the person has not previously violated section 39-08-01 or equivalent ordinance or the person's operator's license has not previously been suspended or revoked under this chapter and the violation was for an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, and under eighteen one-hundredths of one percent by weight.
 - b. For one hundred eighty days if the operator's record shows the person has not violated section 39-08-01 or equivalent ordinance within ~~five~~the seven years preceding the last violation and the last violation was for an alcohol concentration of at least eighteen one-hundredths of one percent by weight.
 - c. For three hundred sixty-five days if the person's driving record shows that, within the ~~five~~seven years preceding the date of the arrest, the person has once previously violated section 39-08-01 or equivalent ordinance or the person's operator's license has once previously been suspended or revoked under this chapter with the last violation or suspension for an alcohol concentration under eighteen one-hundredths of one percent by weight.
 - d. For two years if the person's driving record shows that within the ~~five~~seven years preceding the date of the arrest, the person's operator's license has once been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, with the last violation or suspension for an alcohol concentration of at least eighteen one-hundredths of one percent by weight or if the person's driving record shows that within the ~~five~~seven years preceding the date of arrest, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination thereof, and the suspensions, revocations, or denials resulted from at least two separate arrests with the last violation or suspension for an alcohol concentration of under eighteen one-hundredths of one percent by weight.

- e. For three years if the operator's record shows that within ~~five~~the seven years preceding the date of the arrest, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination thereof, and the suspensions, revocations, or denials resulted from at least two separate arrests and the last violation or suspension was for an alcohol concentration of at least eighteen one-hundredths of one percent by weight.
2. In the suspension of the person's operator's license the director shall give credit for the time the person was without an operator's license after the day of the offense, except that the director may not give credit for the time the person retained driving privileges through a temporary operator's permit issued under section 39-20-03.1 or 39-20-03.2.

SECTION 14. AMENDMENT. Section 39-20-05 of the North Dakota Century Code is amended and reenacted as follows:

39-20-05. Administrative hearing on request - Election to participate in the twenty-four seven sobriety program.

1. Before issuing an order of suspension, revocation, or denial under section 39-20-04 or 39-20-04.1, the director shall afford that person an opportunity for a hearing if the person mails or communicates by other means authorized by the director a request for the hearing to the director within ten days after the date of issuance of the temporary operator's permit. Upon completion of the hearing, an individual may elect to participate in the twenty-four seven sobriety program under chapter 54-12. The hearing must be held within thirty days after the date of issuance of the temporary operator's permit. If no hearing is requested within the time limits in this section, and no affidavit is submitted within the time limits under subsection 2 of section 39-20-04, and if the individual has not provided the director with written notice of election to participate in the twenty-four seven sobriety program under chapter 54-12, the expiration of the temporary operator's permit serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state.
2. If the issue to be determined by the hearing concerns license suspension for operating a motor vehicle while having an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, the hearing must be before a hearing officer assigned by the director and at a time and place designated by the director. The hearing must be recorded and its scope may cover only the issues of whether the arresting officer had reasonable grounds to believe the individual had been driving or was in actual physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance or, with respect to an individual under twenty-one years of age, the individual had been driving or was in actual physical control of a vehicle while having an alcohol concentration of at least two one-hundredths of one percent by weight; whether the individual was placed under arrest, unless the individual was under twenty-one years of age and the alcohol concentration was less than eight one-hundredths of one percent by weight, then arrest is not required and is not an issue under any provision of this chapter; whether the individual was tested in accordance with section 39-20-01 or 39-20-03 and, if applicable, section 39-20-02; and whether the test results show the individual had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight. For purposes of this section, a copy of a certified copy of an analytical report of a blood or urine sample ~~from~~electronically posted by the director of the state crime laboratory or the director's designee on the

crime laboratory information management system and certified by a law enforcement officer or individual who has authorized access to the crime laboratory management system through the criminal justice data information sharing system or a certified copy of the checklist and test records from a certified breath test operator and a copy of a certified copy of a certificate of the director of the state crime laboratory designating the director's designee, establish prima facie the alcohol concentration or the presence of drugs, or a combination thereof, shown therein. Whether the individual was informed that the privilege to drive might be suspended based on the results of the test is not an issue.

3. If the issue to be determined by the hearing concerns license revocation for refusing to submit to a test under section 39-20-01 or 39-20-14, the hearing must be before a hearing officer assigned by the director at a time and place designated by the director. The hearing must be recorded. The scope of a hearing for refusing to submit to a test under section 39-20-01 may cover only the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance or, with respect to a person under twenty-one years of age, the person had been driving or was in actual physical control of a vehicle while having an alcohol concentration of at least two one-hundredths of one percent by weight; whether the person was placed under arrest; and whether that person refused to submit to the test or tests. The scope of a hearing for refusing to submit to a test under section 39-20-14 may cover only the issues of whether the law enforcement officer had reason to believe the person committed a moving traffic violation or was involved in a traffic accident as a driver, whether in conjunction with the violation or the accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol and, whether the person refused to submit to the onsite screening test. Whether the person was informed that the privilege to drive would be revoked or denied for refusal to submit to the test or tests is not an issue.
4. At a hearing under this section, the regularly kept records of the director and state crime laboratory may be introduced. Those records establish prima facie their contents without further foundation. For purposes of this chapter, the following are deemed regularly kept records of the director and state crime laboratory:
 - a. Any copy of a certified copy of an analytical report of a blood or urine sample electronically posted by the director of the state crime laboratory or the director's designee on the crime laboratory information management system which is received by the director from the director of the state crime laboratory or the director's designee or, a law enforcement officer, or an individual who has authorized access to the crime laboratory management system through the criminal justice data information sharing system or a certified copy of the checklist and test records received by the director from a certified breath test operator; and
 - b. Any copy of a certified copy of a certificate of the director of the state crime laboratory or the director's designee relating to approved methods, devices, operators, materials, and checklists used for testing for alcohol concentration or the presence of drugs received by the director from the director of the state crime laboratory or the director's designee, or that have been electronically posted with the state crime laboratory division of the attorney general at the attorney general website; and
 - c. Any copy of a certified copy of a certificate of the director of the state crime laboratory designating the director's designees.

5. At the close of the hearing, the hearing officer shall notify the person of the hearing officer's findings of fact, conclusions of law, and decision based on the findings and conclusions and shall immediately deliver to the person a copy of the decision. If the hearing officer does not find in favor of the person, the copy of the decision serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. If the hearing officer finds, based on a preponderance of the evidence, that the person refused a test under section 39-20-01 or 39-20-14 or that the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, the hearing officer shall immediately take possession of the person's temporary operator's permit issued under this chapter. If the hearing officer does not find against the person, the hearing officer shall sign, date, and mark on the person's permit an extension of driving privileges for the next twenty days and shall return the permit to the person. The hearing officer shall report the findings, conclusions, and decisions to the director within ten days of the conclusion of the hearing. If the hearing officer has determined in favor of the person, the director shall return the person's operator's license by regular mail to the address on file with the director under section 39-06-20.
6. If the person who requested a hearing under this section fails to appear at the hearing without justification, the right to the hearing is waived, and the hearing officer's determination on license revocation, suspension, or denial will be based on the written request for hearing, law enforcement officer's report, and other evidence as may be available. The hearing officer shall, on the date for which the hearing is scheduled, mail to the person, by regular mail, at the address on file with the director under section 39-06-20, or at any other address for the person or the person's legal representative supplied in the request for hearing, a copy of the decision which serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. Even if the person for whom the hearing is scheduled fails to appear at the hearing, the hearing is deemed to have been held on the date for which it is scheduled for purposes of appeal under section 39-20-06.

SECTION 15. AMENDMENT. Subsection 6 of section 39-20-07 of the North Dakota Century Code is amended and reenacted as follows:

6. The director of the state crime laboratory or the director's designee may appoint, train, certify, and supervise field inspectors of breath testing equipment and its operation, and the inspectors shall report the findings of any inspection to the director of the state crime laboratory or the director's designee for appropriate action. Upon approval of the methods or devices, or both, required to perform the tests and the individuals qualified to administer them, the director of the state crime laboratory or the director's designee shall prepare, certify, and electronically post a written record of the approval with the state crime laboratory division of the attorney general at the attorney general website, and shall include in the record:
 - a. An annual register of the specific testing devices currently approved, including serial number, location, and the date and results of last inspection.
 - b. An annual register of currently qualified and certified operators of the devices, stating the date of certification and its expiration.
 - c. The operational checklist and forms prescribing the methods currently approved by the director of the state crime laboratory or the director's designee in using the devices during the administration of the tests.

- d. The certificate of the director of the state crime laboratory designating the director's designees.
- e. The certified records electronically posted under this section may be supplemented when the director of the state crime laboratory or the director's designee determines it to be necessary, and any certified supplemental records have the same force and effect as the records that are supplemented.
- e-f. The state crime laboratory shall make the certified records required by this section available for download in a printable format on the attorney general website.

SECTION 16. AMENDMENT. Subsection 10 of section 39-20-07 of the North Dakota Century Code is amended and reenacted as follows:

- 10. ~~A signed statement from the individual medically qualified to draw the blood sample for testing as set forth in subsection 5 is prima facie evidence that the blood sample was properly drawn and no further foundation for the admission of this evidence may be required. A law enforcement officer who has witnessed an individual who is medically qualified to draw the blood sample for testing may sign a verified statement that the law enforcement officer witnessed the individual draw the blood sample and the individual followed the approved methods of the state toxicologist. Further foundation is not required to establish that the blood sample was drawn according to the approved method of the state toxicologist.~~

SECTION 17. AMENDMENT. Section 39-20-14 of the North Dakota Century Code is amended and reenacted as follows:

39-20-14. Screening tests.

- 1. Any individual who operates a motor vehicle upon the public highways of this state is deemed to have given consent to submit to an onsite screening test or tests of the individual's breath for the purpose of estimating the alcohol concentration in the individual's breath upon the request of a law enforcement officer who has reason to believe that the individual committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or the accident the officer has, through the officer's observations, formulated an opinion that the individual's body contains alcohol.
- 2. An individual may not be required to submit to a screening test or tests of breath while at a hospital as a patient if the medical practitioner in immediate charge of the individual's case is not first notified of the proposal to make the requirement, or objects to the test or tests on the ground that such would be prejudicial to the proper care or treatment of the patient.
- 3. The screening test or tests must be performed by an enforcement officer certified as a chemical test operator by the director of the state crime laboratory or the director's designee and according to methods and with devices approved by the director of the state crime laboratory or the director's designee. The results of such screening test must be used only for determining whether or not a further test shall be given under the provisions of section 39-20-01. The officer shall inform the individual that North Dakota law requires the individual to take the screening test to determine whether the individual is under the influence of alcohol, that refusal to take the screening test is a crime, and that refusal of the individual to submit to a screening test ~~will~~ may result in a revocation for at least one hundred eighty days and up to four ~~three~~ years of that individual's driving privileges. If such individual refuses to submit to such screening test or tests, none may be given, but such refusal is sufficient cause to revoke such individual's license or permit to drive in the same

manner as provided in section 39-20-04, and a hearing as provided in section 39-20-05 and a judicial review as provided in section 39-20-06 must be available. ~~However, the~~

4. The director must not revoke an individual's driving privileges for refusing to submit to a screening test requested under this section if the individual provides a sufficient breath, blood, or urine sample for a chemical test requested under section 39-20-01 for the same incident.
5. No provisions of this section may supersede any provisions of chapter 39-20, nor may any provision of chapter 39-20 be construed to supersede this section except as provided herein.
6. For the purposes of this section, "chemical test operator" means an individual certified by the director of the state crime laboratory or the director's designee as qualified to perform analysis for alcohol in an individual's blood, breath, or urine.

SECTION 18. A new section to chapter 39-20 of the North Dakota Century Code is created and enacted as follows:

Restricted license upon twenty-four seven sobriety program participation.

Any driver suspended under this chapter may elect to participate in the twenty-four seven sobriety program under chapter 54-12. The director may issue a temporary restricted license that takes effect after fifteen days of the suspension have been served provided that the driver is not subject to any unrelated suspension. Notwithstanding any other provision of law, an individual may not receive a temporary restricted operator's license unless the individual has exhausted administrative procedures.

SECTION 19. LEGISLATIVE MANAGEMENT STUDY - ADMINISTRATIVE PROCEDURE FOR DRIVING UNDER THE INFLUENCE. During the 2013-14 interim, the legislative management shall consider studying the administrative procedure for driving under the influence of alcohol and drugs. The study must include a review of the use of ignition interlock devices and of the effect of an individual refusing to submit to chemical testing. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

SECTION 20. DEPARTMENT OF HUMAN SERVICES - UNDERAGE DRINKING PREVENTION PROGRAM. The department of human services shall facilitate the continuation of the parents listen, educate, ask, discuss program, a multiagency collaboration between the department of human services, department of transportation, North Dakota state university extension service, and North Dakota university system which has the goal of reducing the consumption of alcohol by minors by providing developmentally appropriate strategies and evidence-based underage drinking prevention services to parents and professionals throughout the state. Through this program the department of human services shall collaborate with the governor's prevention advisory council on drugs and alcohol in pursuing prevention activities.

SECTION 21. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$360,000, or so much of the sum as may be necessary, to the department of human services for the purpose of funding the underage drinking prevention program provided for under section 20 of this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 22. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,200,000, or so much of the sum as may be necessary, to the attorney general for the purpose of purchasing secure continuous remote alcohol monitors for individuals

in the twenty-four seven sobriety program, for the biennium beginning July 1, 2013, and ending June 30, 2015."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1410

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

Page 1, line 2, after "57-39.2-04" insert ", and a new subsection to section 57-40.2-04"

Page 1, line 2, after "sales" insert "and use"

Page 1, line 4, after "for" insert "agricultural, industrial, or"

Page 1, line 5, remove ", subsection 5 of section 57-40.2-04,"

Page 1, line 6, remove "sales and use and"

Page 1, line 7, after "for" insert "agricultural, industrial, or"

Page 1, line 12, after "for" insert "agricultural, industrial, or"

Page 2, after line 27, insert:

"SECTION 4. A new subsection to section 57-40.2-04 of the North Dakota Century Code is created and enacted as follows:

Gross receipts from sales of liquified natural gas used for agricultural, industrial, or railroad purposes as defined in section 57-43.2-01."

Page 2, remove lines 28 and 29

Page 3, remove lines 1 through 3

Page 3, line 28, replace "a" with "an agricultural, industrial, or"

Page 4, line 2, after "plant" insert "eligible for the exemptions under sections 2 and 3 of this Act"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED
HOUSE CONCURRENT RESOLUTION NO. 3006**

Page 1, line 11, replace "primary" with "general"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT RESOLUTION NO.
3034**

Page 1, line 2, after "measures" insert "; and to provide an effective date"

Page 2, after line 22, insert:

"SECTION 4. EFFECTIVE DATE. If approved by the electors, this measure becomes effective on January 1, 2015."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1261.

SENATE AMENDMENTS TO HOUSE BILL NO. 1261

Page 1, line 5, replace "\$17,000,000" with "\$13,600,000"

Page 1, replace lines 9 through 18 with:

- "1. A district is eligible to receive a grant under this section if the number of students reflected in the district's September tenth enrollment report:
 - a. Exceeds the number of students in average daily membership by at least twenty; and
 - b. Represents an increase in students equal to at least four percent.
2. In order to calculate the amount to which an eligible district is entitled, the superintendent of public instruction shall:
 - a. Determine the actual percentage increase in the number of students;
 - b. Subtract 2.0 from the percentage established under subdivision a;
 - c. Determine the number of students represented by the difference determined under subdivision b; and
 - d. Multiply the number of students determined under subdivision c by \$3,900."

Page 1, line 23, replace "\$8,500,000" with "\$6,800,000"

ReNUMBER accordingly

**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 1016.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016

Page 1, line 2, after "general" insert "; to provide for a contingent appropriation; to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the payment of expenditures from the state disaster relief fund"

Page 1, remove lines 13 through 24

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$5,153,886	\$2,874,975	\$8,028,861
Operating expenses	4,062,891	50,000	4,112,891
Capital assets	229,371	1,141,261	1,370,632
Grants	449,514	660,000	1,109,514
Civil air patrol	243,353	47,418	290,771
Tuition, recruiting, and retention	2,407,500	110,000	2,517,500
Air guard contract	10,989,323	758,804	11,748,127
Army guard contract	56,110,755	2,423,237	58,533,992
Veterans' cemetery	576,916	85,908	662,824
Reintegration program	<u>1,477,449</u>	<u>24,144</u>	<u>1,501,593</u>
Total all funds	\$81,700,958	\$8,175,747	\$89,876,705
Less estimated income	<u>65,721,902</u>	<u>4,947,858</u>	<u>70,669,760</u>
Total general fund	\$15,979,056	\$3,227,889	\$19,206,945"

Page 2, replace lines 7 through 16 with:

"Salaries and wages	\$11,363,744	(\$792,716)	\$10,571,028
Operating expenses	9,930,022	(10,534)	9,919,488
Capital assets	802,000	121,240	923,240
Grants	71,419,771	(52,046,524)	19,373,247

Disaster costs	109,923,008	39,307,346	149,230,354
Radio communications	<u>0</u>	<u>2,735,000</u>	<u>2,735,000</u>
Total all funds	\$203,438,545	(\$10,686,188)	\$192,752,357
Less estimated income	<u>195,382,476</u>	<u>(14,356,622)</u>	<u>181,025,854</u>
Total general fund	\$8,056,069	\$3,670,434	\$11,726,503"

Page 2, replace lines 21 through 23 with:

"Grand total general fund	\$24,035,125	\$7,273,323	\$31,308,448
Grand total special funds	<u>261,104,378</u>	<u>(9,408,764)</u>	<u>251,695,614</u>
Grand total all funds	\$285,139,503	(\$2,135,441)	\$283,004,062"

Page 3, replace lines 4 and 5 with:

"State radio tower package		1,500,000	1,175,000
Statewide seamless base map		900,000	1,150,000
Flood-impacted housing rehabilitation		0	1,500,000"

Page 3, replace lines 16 through 18 with:

"Total all funds		\$45,818,428	\$7,826,240
Less estimated income		<u>40,000,000</u>	<u>3,500,000</u>
Total general fund		\$5,818,428	\$4,326,240"

Page 3, after line 22, insert:

"SECTION 3. CONTINGENT APPROPRIATION - NATIONAL GUARD TUITION ASSISTANCE. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$375,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing tuition assistance to eligible members of the North Dakota national guard, for the biennium beginning July 1, 2013, and ending June 30, 2015. The funding appropriated under this section is contingent upon the adjutant general certifying to the office of management and budget that the national guard has received a new assignment in association with the Grand Forks air force base.

SECTION 4. FLOOD-IMPACTED HOUSING REHABILITATION - STATE DISASTER RELIEF FUND. The disaster costs line item in subdivision 2 of section 1 of this Act includes the sum of \$1,500,000 from the state disaster relief fund for the purpose of providing funds to counties and cities for flood-impacted housing rehabilitation. The funds must be used by counties and cities to assist homeowners and residents in the rehabilitation or replacement of flood-damaged homes, to retain homeowners and other residents in the community, and for transitional expenses to facilitate housing availability for flood-impacted residents."

Page 5, replace lines 8 through 12 with:

"SECTION 13. EXEMPTION. The amount appropriated in the tuition, recruiting, and retention line item in subdivision 1 of section 1 of chapter 42 of the 2011 Session Laws is not subject to section 54-44.1-11, and any unexpended funds from this appropriation may be used to provide tuition assistance to eligible members of the North Dakota national guard during the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 14. AMENDMENT. Section 37-17.1-27 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-27. State disaster relief fund - Creation - Uses.

There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations and emergency commission and budget section approval for providing the required state share of funding for expenses associated with state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state, and to defray expenses of the adjutant general in contracting

for disaster recovery and mitigation planning and program coordination services. Any interest or other fund earnings must be deposited in the fund. Upon request, the office of the adjutant general shall report to the budget section on expenditures from the fund.

SECTION 15. EMERGENCY. Section 3 of this Act and funding of \$600,000 from the general fund in the grants line item in subdivision 1 of section 1 of this Act, relating to the veterans' bonus program, funding of \$241,240 from the general fund in the capital assets line item in subdivision 2 of section 1 of this Act, relating to the state radio communications center project, funding of \$960,000 from the general fund in the capital assets line item in subdivision 1 of section 1 of this Act, relating to the state radio communications center project, and funding of \$1,500,000 from the state disaster relief fund in the disaster costs line item in subdivision 2 of section 1 of this Act, relating to flood-impacted housing rehabilitation, are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1016 - Summary of Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Adjutant General				
Total all funds	\$89,641,960	\$88,636,911	\$1,614,794	\$90,251,705
Less estimated income	70,547,829	69,885,679	784,081	70,669,760
General fund	\$19,094,131	\$18,751,232	\$830,713	\$19,581,945
Department of Emergency Services				
Total all funds	\$192,227,357	\$190,777,357	\$1,975,000	\$192,752,357
Less estimated income	179,525,854	179,325,854	1,700,000	181,025,854
General fund	\$12,701,503	\$11,451,503	\$275,000	\$11,726,503
Bill total				
Total all funds	\$281,869,317	\$279,414,268	\$3,589,794	\$283,004,062
Less estimated income	250,073,683	249,211,533	2,484,081	251,695,614
General fund	\$31,795,634	\$30,202,735	\$1,105,713	\$31,308,448

House Bill No. 1016 - Adjutant General - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$7,844,116	\$6,677,011	\$1,351,850	\$8,028,861
Operating expenses	4,062,891	4,062,891	50,000	4,112,891
Capital assets	1,370,632	1,370,632		1,370,632
Grants	1,109,514	1,109,514		1,109,514
Civil Air Patrol	290,771	287,451	3,320	290,771
Tuition, recruiting, and retention	2,517,500	2,517,500		2,517,500
Air Guard contract	11,748,127	11,483,158	264,969	11,748,127
Army Guard contract	58,533,992	58,182,671	351,321	58,533,992
Veterans' Cemetery	662,824	647,005	15,819	662,824
Reintegration program	1,501,593	1,486,980	14,613	1,501,593
Accrued leave payments		812,098	(812,098)	
Contingent tuition assistance			375,000	375,000
Total all funds	\$89,641,960	\$88,636,911	\$1,614,794	\$90,251,705
Less estimated income	70,547,829	69,885,679	784,081	70,669,760
General fund	\$19,094,131	\$18,751,232	\$830,713	\$19,581,945
FTE	178.00	178.00	0.00	178.00

Department No. 540 - Adjutant General - Detail of Senate Changes

	Restores Executive Compensation Package ¹	Removes Separate Line Item for Accrued Leave Payments ²	Adds Contingent Appropriation for Tuition Assistance ³	Adds Funding for Veterans Book ⁴	Total Senate Changes
Salaries and wages	\$1,189,794	\$162,056			\$1,351,850
Operating expenses				50,000	50,000

Capital assets					
Grants					
Civil Air Patrol		3,320			3,320
Tuition, recruiting, and retention					
Air Guard contract		264,969			264,969
Army Guard contract		351,321			351,321
Veterans' Cemetery		15,819			15,819
Reintegration program		14,613			14,613
Accrued leave payments		(812,098)			(812,098)
Contingent tuition assistance			375,000		375,000
Total all funds	\$1,189,794	\$0	\$375,000	\$50,000	\$1,614,794
Less estimated income	784,081	0	0	0	784,081
General fund	\$405,713	\$0	\$375,000	\$50,000	\$830,713
FTE	0.00	0.00	0.00	0.00	0.00

¹ Funding reductions made by the House to the state employee compensation and benefits package are restored to the Governor's recommended level.

² The accrued leave payments line item added by the House is removed, and the associated funding returned to line items with salaries and wages funding.

³ A section is added to provide a contingent general fund appropriation for tuition assistance for eligible members of the National Guard. The funding is contingent upon the Adjutant General certifying to the Office of Management and Budget that the National Guard has received a new assignment in association with the Grand Forks Air Force Base.

⁴ Funding is added for the Adjutant General to coordinate the writing, publishing, and distribution of a book of all veterans having a relationship with the state.

The amendment also:

- Adds a section to allow the Adjutant General to continue unspent 2011-13 biennium appropriations into the 2013-15 biennium relating to tuition assistance for eligible members of the National Guard. The Adjutant General estimates \$500,000 from the general fund will be unspent at the end of the 2011-13 biennium and continued into the 2013-15 biennium.
- Adds a section to provide statutory changes relating to the payment of expenditures from the state disaster relief fund.

House Bill No. 1016 - Department of Emergency Services - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$10,571,028	\$10,298,920	\$272,108	\$10,571,028
Operating expenses	9,919,488	9,719,488	200,000	9,919,488
Capital assets	923,240	923,240		923,240
Grants	19,373,247	19,373,247		19,373,247
Disaster costs	147,730,354	147,718,567	1,511,787	149,230,354
Radio communications	3,710,000	2,460,000	275,000	2,735,000
Accrued leave payments		283,895	(283,895)	
Total all funds	\$192,227,357	\$190,777,357	\$1,975,000	\$192,752,357
Less estimated income	179,525,854	179,325,854	1,700,000	181,025,854
General fund	\$12,701,503	\$11,451,503	\$275,000	\$11,726,503
FTE	68.00	68.00	0.00	68.00

Department No. 542 - Department of Emergency Services - Detail of Senate Changes

	Removes Separate Line Item for Accrued Leave Payments ¹	Restores Funding for Volunteer Disaster Response Coordination ²	Adds Funding for Housing Rehabilitation ³	Restores a Portion of Funding for State Radio Towers ⁴	Total Senate Changes
Salaries and wages	\$272,108				\$272,108
Operating expenses		200,000			200,000
Capital assets					
Grants					
Disaster costs	11,787		1,500,000		1,511,787
Radio communications				275,000	275,000
Accrued leave payments	(283,895)				(283,895)
Total all funds	\$0	\$200,000	\$1,500,000	\$275,000	\$1,975,000
Less estimated income	0	200,000	1,500,000	0	1,700,000
General fund	\$0	\$0	\$0	\$275,000	\$275,000
FTE	0.00	0.00	0.00	0.00	0.00

¹ The accrued leave payments line item added by the House is removed, and the associated funding returned to line items with salaries and wages funding.

² Funding of \$200,000 from the state disaster relief fund removed by the House for volunteer disaster response coordination is restored. The executive budget recommendation provided for total funding of \$400,000 from the state disaster relief fund for volunteer disaster response coordination.

³ Funding of \$1.5 million from the state disaster relief fund is added to continue county and city housing rehabilitation projects to assist residents in the rehabilitation or replacement of flood-damaged homes. A section is also added regarding the use of the funds.

⁴ One-time funding of \$275,000 from the general fund is added for new State Radio towers is to provide total funding of \$1,175,000 from the general fund. The executive budget included funding of \$1,500,000 from the general fund for State Radio towers. The House version provided \$900,000 from the general fund for State Radio towers.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1210.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1465.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1242.

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 1263 and HCR 3010.

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 1134, HB 1139, HB 1166, and HB 1440, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1134: Reps. Drovdal; Froseth; S. Kelsh

HB 1139: Reps. Schatz; Weisz; Oversen

HB 1166: Reps. Owens; Schmidt; Zaiser

HB 1440: Reps. Hofstad; Froseth; S. Kelsh

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 1048: Sens. Flakoll; Campbell; Sinner

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 1133: Sens. Armstrong; Sitte; Nelson

HB 1171: Sens. Sorvaag; Klein; Sinner

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 2108, SB 2125, SB 2229, SB 2251, SB 2323, and SB 2345.

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 2364.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2131, SB 2132, and SB 2299, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2131: Sens. Dever; Anderson; Axness

SB 2132: Sens. Andrist; Sorvaag; Dotzenrod

SB 2299: Sens. Armstrong; Lyson; Grabinger

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2144, SB 2152, SB 2187, and SB 2205, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2144: Sens. Laffen; Unruh; Murphy

SB 2152: Sens. Unruh; Laffen; Murphy

SB 2187: Sens. Anderson; Larsen; Axness

SB 2205: Sens. J. Lee; Dever; Axness

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 2032: Reps. Rohr; B. Koppelman; Mock

SB 2047: Reps. Kasper; Becker; Amerman

SB 2072: Reps. Headland; Kiefert; Boschee

SB 2113: Reps. Klemin; Maragos; Hogan

SB 2126: Reps. Sukut; Beadle; Gruchalla

SB 2163: Reps. Froseth; Dockter; Haak

SB 2207: Reps. Hatlestad; Trottier; S. Kelsh

SB 2298: Reps. Ruby; Keiser; M. Nelson

SB 2325: Reps. Klein; Dockter; Strinden

SB 2330: Reps. Owens; Klein; S. Kelsh

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 2257: Reps. Steiner; Boehning; Hogan

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed to pass: SB 2223.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1075, HB 1180, HB 1348, HB 1352, HB 1362, HB 1397, HB 1399.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1263, HCR 3010.

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

MR. SPEAKER: The President has signed: HB 1075, HB 1180, HB 1348, HB 1352, HB 1362, HB 1397, HB 1399.

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

MR. PRESIDENT: The Speaker has signed: SB 2067, SB 2068, SB 2085, SB 2096, SB 2116, SB 2128, SB 2164, SB 2165, SB 2180, SB 2239, SB 2294, SB 2308, SB 2314, SB 2340, SB 2342.

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

MR. SPEAKER: The President has signed: SB 2067, SB 2068, SB 2085, SB 2096, SB 2116, SB 2128, SB 2164, SB 2165, SB 2180, SB 2239, SB 2294, SB 2308, SB 2314, SB 2340, SB 2342.

MOTION

REP. VIGESAA MOVED that the absent member be excused, which motion prevailed.

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Thursday, April 11, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2002, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "sections" with "section"

Page 1, line 2, after "27-02-02" insert "; subsection 1 of section 27-05-02.1;"

Page 1, line 2, after the third "and" insert "section"

Page 1, line 3, after "judges" insert "and disposition of vacant judgeships"

Page 1, replace lines 14 through 18 with:

"Salaries and wages	\$9,116,651	\$1,811,745	\$10,928,396
Accrued leave payments	0	531,696	531,696
Operating expenses	2,315,118	439,136	2,754,254
Capital assets	0	15,000	15,000
Judges' retirement	138,105	(63,809)	74,296
Total general fund	\$11,569,874	\$2,733,768	\$14,303,642"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

"Salaries and wages	\$54,216,144	\$4,661,897	\$58,878,041
Accrued leave payments	0	2,399,277	2,399,277
Operating expenses	16,658,522	3,604,415	20,262,937

Capital assets	0	833,026	833,026
Judges' retirement	478,997	17,094	496,091
UND central legal research	80,000	0	80,000
Mediation	<u>869,664</u>	<u>219,564</u>	<u>1,089,228</u>
Total all funds	\$72,303,327	\$11,735,273	\$84,038,600
Less estimated income	<u>1,856,775</u>	<u>(48,685)</u>	<u>1,808,090</u>
Total general fund	\$70,446,552	\$11,783,958	\$82,230,510"

Page 2, replace lines 21 through 24 with:

"Grand total general fund	\$82,580,882	\$14,574,358	\$97,155,240
Grand total special funds	<u>2,182,274</u>	<u>(6,685)</u>	<u>2,175,589</u>
Grand total all funds	\$84,763,156	\$14,567,673	\$99,330,829
Full-time equivalent positions	344.00	19.00	359.00"

Page 3, after line 22, insert:

"SECTION 5. DISTRICT JUDGES. The appropriation provided in subdivision 2 of section 1 of this Act provides for two additional district court judges in the northwest judicial district and one additional district court judge in the east central judicial district to be assigned pursuant to section 10 of article VI of the Constitution of North Dakota, and to be assigned to chambers by the supreme court. Within thirty days after the effective date of this Act, the judgeship vacancies created by this section must be filled in accordance with section 13 of article VI of the Constitution of North Dakota. In accordance with sections 9 and 13 of article VI of the Constitution of North Dakota, each judge appointed to fill a vacancy created by this section continues in the office until the next general election immediately following two years of service after the appointment. The individual then elected holds office for the remainder of the term and until a successor is elected and duly qualified."

Page 3, line 26, replace "forty-three" with "forty-two"

Page 3, line 27, replace "six hundred eighty-five" with "three hundred four"

Page 3, line 28, replace "forty-nine" with "forty-six"

Page 3, line 28, replace "four" with "five"

Page 3, line 28, replace "thirty-three" with "seventy-three"

Page 3, line 30, remove "one"

Page 3, line 30, overstrike "hundred"

Page 3, line 30, replace "twenty-seven" with "eighty-seven"

Page 4, line 1, replace "ninety-two" with "nine"

Page 4, after line 2, insert:

"SECTION 7. AMENDMENT. Subsection 1 of section 27-05-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the governor and in consultation with the judges and attorneys in the affected judicial district, whether that office is necessary for effective judicial administration or whether the district judgeship may be transferred to another location to fulfill a need for judicial services. The supreme court may, consistent with that determination, order that:
 - a. The vacancy be filled in the manner provided pursuant to chapter 27-25; ~~or~~

- b. The vacant office be transferred to a judicial district in which an additional judge is necessary for effective judicial administration, and that the vacancy be filled in the manner provided pursuant to chapter 27-25 with respect to that judicial district; or
- c. The vacant office be abolished with or without transfer of a district judgeship as provided in subsection 3."

Page 4, line 6, replace "thirty-one" with "thirty"

Page 4, line 7, replace "six" with "three"

Page 4, line 7, replace "sixty-one" with "ninety-five"

Page 4, line 8, replace "thirty-six" with "thirty-four"

Page 4, line 8, replace "nine" with "three"

Page 4, line 8, replace "twenty-seven" with "seven"

Page 4, line 12, replace "eight" with "seven"

Page 4, line 13, replace "three" with "sixty-six"

Page 4, line 14, replace "nine hundred fifty-five" with "eight hundred seventy-nine"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

	Executive Budget	Senate Version	House Changes	House Version
Supreme Court				
Total all funds	\$15,530,297	\$15,502,599	(\$1,198,957)	\$14,303,642
Less estimated income	0	0	0	0
General fund	\$15,530,297	\$15,502,599	(\$1,198,957)	\$14,303,642
District Courts				
Total all funds	\$83,073,957	\$82,851,983	\$1,186,617	\$84,038,600
Less estimated income	1,808,090	1,808,090	0	1,808,090
General fund	\$81,265,867	\$81,043,893	\$1,186,617	\$82,230,510
Judicial Conduct Commission				
Total all funds	\$988,587	\$988,587	\$0	\$988,587
Less estimated income	367,499	367,499	0	367,499
General fund	\$621,088	\$621,088	\$0	\$621,088
Bill total				
Total all funds	\$99,592,841	\$99,343,169	(\$12,340)	\$99,330,829
Less estimated income	2,175,589	2,175,589	0	2,175,589
General fund	\$97,417,252	\$97,167,580	(\$12,340)	\$97,155,240

Senate Bill No. 2002 - Supreme Court - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$12,684,559	\$12,657,959	(\$1,729,563)	\$10,928,396
Operating expenses	2,754,254	2,754,254		2,754,254
Capital assets	15,000	15,000		15,000
Judges retirement	76,484	75,386	(1,090)	74,296
Accrued leave payments			531,696	531,696
Total all funds	\$15,530,297	\$15,502,599	(\$1,198,957)	\$14,303,642
Less estimated income	0	0	0	0
General fund	\$15,530,297	\$15,502,599	(\$1,198,957)	\$14,303,642
FTE	45.00	45.00	0.00	45.00

Department No. 181 - Supreme Court - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Adjusts Salaries for Justices ³	Adjusts Justices' Retirement ⁴	Total House Changes
Salaries and wages	(\$1,171,387)	(\$531,696)	(\$26,480)		(\$1,729,563)
Operating expenses					
Capital assets					
Judges retirement				(1,090)	(1,090)
Accrued leave payments		531,696			531,696
Total all funds	(\$1,171,387)	\$0	(\$26,480)	(\$1,090)	(\$1,198,957)
Less estimated income	0	0	0	0	0
General fund	(\$1,171,387)	\$0	(\$26,480)	(\$1,090)	(\$1,198,957)
FTE	0.00	0.00	0.00	0.00	0.00

¹ This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market equity component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

² A portion of salaries and wages funding for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³ This amendment reduces the salary increase for justices from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

⁴ This amendment reduces the retirement increase for justices from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

A section is added to amend Section 27-05-02.1 relating to vacancies in judgeships.

Senate Bill No. 2002 - District Courts - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$60,398,498	\$60,183,898	(\$1,305,857)	\$58,878,041
Operating expenses	20,162,413	20,162,413	100,524	20,262,937
Capital assets	833,026	833,026		833,026
Judges retirement	510,792	503,418	(7,327)	496,091
UND central legal research	80,000	80,000		80,000
Mediation	1,089,228	1,089,228		1,089,228
Accrued leave payments			2,399,277	2,399,277
Total all funds	\$83,073,957	\$82,851,983	\$1,186,617	\$84,038,600
Less estimated income	1,808,090	1,808,090	0	1,808,090
General fund	\$81,265,867	\$81,043,893	\$1,186,617	\$82,230,510
FTE	310.00	310.00	4.00	314.00

Department No. 182 - District Courts - Detail of House Changes

	Provides Separate Line Item for Accrued Leave Payments ¹	Adds Three New Judgeships ²	Removes Two Deputy Clerk Positions ³	Adjusts Salaries for Judges ⁴	Adjusts Judges' Retirement ⁵	Total House Changes
Salaries and wages	(\$2,399,277)	\$1,575,522	(\$268,822)	(\$213,280)		(\$1,305,857)
Operating expenses		115,428	(14,904)			100,524

Capital assets						
Judges retirement					(7,327)	(7,327)
UND central legal research						
Mediation						
Accrued leave payments	2,399,277					2,399,277
Total all funds	\$0	\$1,690,950	(\$283,726)	(\$213,280)	(\$7,327)	\$1,186,617
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$1,690,950	(\$283,726)	(\$213,280)	(\$7,327)	\$1,186,617
FTE	0.00	6.00	(2.00)	0.00	0.00	4.00

¹ A portion of salaries and wages funding from the general fund (\$2,351,291) and other funds (\$47,986) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

² Funding is added to add three new judgeships--two for the Northwest judicial district and one for the East Central judicial district. The funding includes three new judge FTE positions and three new court reporter FTE positions.

³ Funding is removed for two deputy clerk FTE positions included in the executive budget recommendation.

⁴ This amendment reduces the salary increase for district judges and presiding judges from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

⁵ This amendment reduces the retirement increase for district judges and presiding judges from the Senate version of 4 percent each year of the biennium to 3 percent each year. The executive budget included a 5 percent increase each year.

REPORT OF STANDING COMMITTEE

SB 2006, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2006 was placed on the Sixth order on the calendar.

Page 1, replace line 12 with:

"Salaries and wages	\$1,005,639	\$114,597	\$1,120,236
Accrued leave payments	0	10,772	10,772"

Page 1, replace lines 15 through 18 with:

"Grants	<u>9,040,000</u>	<u>6,460,000</u>	<u>15,500,000</u>
Total all funds	\$13,083,688	\$5,914,369	\$18,998,057
Less estimated income	<u>12,533,688</u>	<u>(85,631)</u>	<u>12,448,057</u>
Total general fund	\$550,000	\$6,000,000	\$6,550,000"

Page 1, line 20, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY"

Page 1, line 21, after "biennium" insert "and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act"

Page 1, replace lines 23 and 24 with:

"Anemometer tower database	\$4,500	\$0
Grants to airports	0	<u>6,000,000</u>
Total general fund	\$4,500	\$6,000,000"

Page 2, remove lines 1 through 5

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2006 - Aeronautics Commission - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$1,150,090	\$1,156,409	(\$36,173)	\$1,120,236
Operating expenses	1,977,049	1,977,049		1,977,049
Capital assets	390,000	390,000		390,000
Grants	9,500,000	9,500,000	6,000,000	15,500,000
Additional airport grants		6,000,000	(6,000,000)	
Accrued leave payments			10,772	10,772
Total all funds	\$13,017,139	\$19,023,458	(\$25,401)	\$18,998,057
Less estimated income	12,467,139	18,473,458	(6,025,401)	12,448,057
General fund	\$550,000	\$550,000	\$6,000,000	\$6,550,000
FTE	6.00	6.00	0.00	6.00

Department No. 412 - Aeronautics Commission - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Changes Funding Source for Airport Grants ³	Total House Changes
Salaries and wages	(\$25,401)	(\$10,772)		(\$36,173)
Operating expenses				
Capital assets				
Grants			6,000,000	6,000,000
Additional airport grants			(6,000,000)	(6,000,000)
Accrued leave payments		10,772		10,772
Total all funds	(\$25,401)	\$0	\$0	(\$25,401)
Less estimated income	(25,401)	0	(6,000,000)	(6,025,401)
General fund	\$0	\$0	\$6,000,000	\$6,000,000
FTE	0.00	0.00	0.00	0.00

¹ This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

² A portion of salaries and wages funding from other funds (\$10,772) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³ This amendment changes the funding source for airport grants from the strategic investment and improvements fund to the general fund. The Senate version added a section to provide a separate appropriation from the strategic investments and improvements fund for airport grants.

This amendment also removes a section added by the Senate relating to grants to airports and designates the \$6 million grants to airports as one-time funding.

REPORT OF STANDING COMMITTEE

SB 2007, as reengrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2007 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide legislative intent;"

Page 1, replace lines 14 and 15 with:

"Salaries and wages	\$13,916,861	\$1,039,596	\$14,956,457
Accrued leave payments	0	458,196	458,196
Operating expenses	5,942,285	(583,435)	5,358,850"

Page 1, replace lines 19 through 22 with:

"Total all funds	\$20,896,646	\$2,287,097	\$23,183,743
Less estimated income	<u>15,343,323</u>	<u>482,888</u>	<u>15,826,211</u>
Total general fund	\$5,553,323	\$1,804,209	\$7,357,532
Full-time equivalent positions	120.72	(4.00)	116.72"

Page 2, replace lines 3 and 4 with:

"Veterans' affairs	\$1,099,626	\$207,143	\$1,306,769
Accrued leave payments	0	<u>10,123</u>	<u>10,123</u>
Total general fund	\$1,099,626	\$217,266	\$1,316,892"

Page 2, replace lines 10 through 12 with:

"Grand total general fund	\$6,652,949	\$2,021,475	\$8,674,424
Grand total special funds	<u>15,343,323</u>	<u>482,888</u>	<u>15,826,211</u>
Grand total all funds	\$21,996,272	\$2,504,363	\$24,500,635"

Page 2, replace lines 19 through 21 with:

"Veterans' home			
Demolition of old veterans' home		0	1,121,000
Shop addition		0	788,200
Department of veterans' affairs			"

Page 2, replace lines 27 through 29 with:

"Total all funds		\$317,593	\$1,924,200
Less estimated income		<u>0</u>	<u>1,348,700</u>
Total general fund		\$317,593	\$575,500"

Page 3, after line 8, insert:

"SECTION 4. FUNDING TRANSFER - EXCEPTION - AUTHORIZATION.

Notwithstanding section 54-16-04, the veterans' home may transfer up to \$170,000 from the operating expenses line item to the salaries and wages line item, for the biennium beginning July 1, 2011, and ending June 30, 2013. The veterans' home shall notify the office of management and budget of any transfer made pursuant to this section."

Page 3, line 9, remove "ADDITIONAL INCOME - APPROPRIATION -"

Page 3, line 10, replace "BUDGET SECTION APPROVAL" with "MELVIN NORGARD MEMORIAL FUND"

Page 3, line 12, remove ", subject to budget section approval,"

Page 3, line 13, remove ". Any additional"

Page 3, remove lines 14 and 15

Page 3, line 16, replace "or for other projects benefiting veterans for" with "during"

Page 3, after line 17, insert:

"SECTION 6. LEGISLATIVE INTENT - 2015-17 DEPARTMENT OF VETERANS' AFFAIRS APPROPRIATION BILL. It is the intent of the sixty-third legislative assembly that the governor include the recommended funding for the department of veterans' affairs in a separate draft appropriations act for introduction to the sixty-fourth legislative assembly.

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Summary of House Action

	Executive Budget	Senate Version	House Changes	House Version
Veterans' Home				
Total all funds	\$23,861,920	\$24,657,607	(\$1,473,864)	\$23,183,743
Less estimated income	15,773,626	16,561,826	(735,615)	15,826,211
General fund	\$8,088,294	\$8,095,781	(\$738,249)	\$7,357,532
Department of Veterans' Affairs				
Total all funds	\$1,343,167	\$1,347,673	(\$30,781)	\$1,316,892
Less estimated income	0	0	0	0
General fund	\$1,343,167	\$1,347,673	(\$30,781)	\$1,316,892
Bill total				
Total all funds	\$25,205,087	\$26,005,280	(\$1,504,645)	\$24,500,635
Less estimated income	15,773,626	16,561,826	(735,615)	15,826,211
General fund	\$9,431,461	\$9,443,454	(\$769,030)	\$8,674,424

Senate Bill No. 2007 - Veterans' Home - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$16,781,030	\$16,788,517	(\$1,832,060)	\$14,956,457
Operating expenses	5,458,850	5,458,850	(100,000)	5,358,850
Capital assets	1,622,040	1,622,040		1,622,040
Shop addition		788,200		788,200
Accrued leave payments			458,196	458,196
Total all funds	\$23,861,920	\$24,657,607	(\$1,473,864)	\$23,183,743
Less estimated income	15,773,626	16,561,826	(735,615)	15,826,211
General fund	\$8,088,294	\$8,095,781	(\$738,249)	\$7,357,532
FTE	120.72	120.72	(4.00)	116.72

Department No. 313 - Veterans' Home - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Removes 4 FTE Positions ³	Decreases Funding for Operating Expenses ⁴	Removes Funding for Hay Group Plan ⁵	Total House Changes
Salaries and wages	(\$638,249)	(\$458,196)	(\$303,589)		(\$432,026)	(\$1,832,060)
Operating expenses				(100,000)		(100,000)
Capital assets						
Shop addition						
Accrued leave payments		458,196				458,196
Total all funds	(\$638,249)	\$0	(\$303,589)	(\$100,000)	(\$432,026)	(\$1,473,864)
Less estimated income	0	0	(303,589)	0	(432,026)	(735,615)
General fund	(\$638,249)	\$0	\$0	(\$100,000)	\$0	(\$738,249)
FTE	0.00	0.00	(4.00)	0.00	0.00	(4.00)

¹This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

²A portion of salaries and wages funding from the general fund (\$177,368) and from other funds (\$280,828) for permanent employees compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³This amendment removes 4 FTE resident living specialist positions and related funding.

⁴Operating expenses are decreased by \$100,000.

⁵Funding provided in the executive recommendation and approved by the Senate for pay grade changes resulting from the implementation of the Hay Group plan is removed.

A section is added to the bill to allow the Veterans' Home to transfer \$170,000 from the operating expenses line item to the salaries and wages line item during the 2011-13 biennium to provide for a shift from contract nursing services to temporary nursing positions. A section is also added to provide the transfer is an emergency measure.

The section related to the shop addition project is amended to remove the requirement that the Veterans' Home seek Budget Section approval prior to beginning the project if funds are sufficient to provide for all costs of the project. The appropriation of additional income in the Melvin Norgard memorial fund for costs related to furnishing and equipping the shop or for other projects is removed.

Senate Bill No. 2007 - Department of Veterans' Affairs - House Action

	Executive Budget	Senate Version	House Changes	House Version
Veterans' affairs	\$1,343,167	\$1,347,673	(\$40,904)	\$1,306,769
Accrued leave payments			10,123	10,123
Total all funds	\$1,343,167	\$1,347,673	(\$30,781)	\$1,316,892
Less estimated income	0	0	0	0
General fund	\$1,343,167	\$1,347,673	(\$30,781)	\$1,316,892
FTE	8.00	8.00	0.00	8.00

Department No. 321 - Department of Veterans' Affairs - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Adds Funding for Stand Down Events ³	Total House Changes
Veterans' affairs	(\$40,781)	(\$10,123)	\$10,000	(\$40,904)
Accrued leave payments		10,123		10,123
Total all funds	(\$40,781)	\$0	\$10,000	(\$30,781)
Less estimated income	0	0	0	0
General fund	(\$40,781)	\$0	\$10,000	(\$30,781)
FTE	0.00	0.00	0.00	0.00

¹This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.

- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

²A portion of salaries and wages funding from the general fund for permanent employees compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³Funding is added for two stand down events. This funding was not included in the executive recommendation.

A section is added to the bill to provide legislative intent that the Office of Management and Budget present separate budget bills for the Department of Veterans' Affairs and the Veterans' Home for the 2015 legislative session rather than a combined funding bill.

REPORT OF STANDING COMMITTEE

SB 2009, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2009 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide space for highway patrol training;"

Page 1, replace lines 11 through 13 with:

"Capital assets	\$210,000	\$2,290,000	\$2,500,000
Premiums	<u>520,000</u>	<u>26,000</u>	<u>546,000</u>
Total general fund	\$730,000	\$2,316,000	\$3,046,000"

Page 1, replace lines 19 and 20 with:

"Repair flood damage	\$0	\$2,500,000
Total general fund	\$0	\$2,500,000"

Page 1, after line 24, insert:

"SECTION 3. EMERGENCY VEHICLE OPERATIONS COURSE. The state fair association shall allow the highway patrol to use parking lot space on the state fairgrounds for an emergency vehicle operations course and shall provide temporary classroom space as needed for related training courses, for the biennium beginning July 1, 2013, and ending June 30, 2015."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2009 - State Fair Association - House Action

	Executive Budget	Senate Version	House Changes	House Version
Capital assets	\$3,500,000	\$3,500,000	(\$1,000,000)	\$2,500,000
Premiums	<u>546,000</u>	<u>546,000</u>		<u>546,000</u>
Total all funds	\$4,046,000	\$4,046,000	(\$1,000,000)	\$3,046,000
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$4,046,000	\$4,046,000	(\$1,000,000)	\$3,046,000
FTE	0.00	0.00	0.00	0.00

Department No. 665 - State Fair Association - Detail of House Changes

	Reduces Funding for Flood Damage Repair ¹	Total House Changes
Capital assets Premiums	(\$1,000,000)	(\$1,000,000)
Total all funds	(\$1,000,000)	(\$1,000,000)
Less estimated income	0	0
General fund	(\$1,000,000)	(\$1,000,000)
FTE	0.00	0.00

¹ This amendment reduces funding for flood damage repair by \$1 million from \$3.5 million to \$2.5 million. The executive recommendation provided \$3.5 million.

This amendment also adds a new section to allow the Highway Patrol to use space on the state fairgrounds for an emergency vehicle operations course and related training.

REPORT OF STANDING COMMITTEE

SB 2010: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2010 was placed on the Sixth order on the calendar.

Page 1, line 2, after "arts" insert "; and to provide a matching requirement"

Page 1, replace line 11 with:

"Salaries and wages	\$741,580	\$33,224	\$774,804
Accrued leave payments	0	7,933	7,933"

Page 1, replace line 14 with:

"Total all funds	\$3,218,462	\$14,605	\$3,233,067"
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Page 1, replace line 16 with:

"Total general fund	\$1,363,602	\$124,548	\$1,488,150"
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Page 2, after line 7, insert:

"SECTION 4. MATCHING REQUIREMENT - INSTITUTIONAL SERVICES GRANT PROGRAM. The grants line item in section 1 of this Act includes the sum of \$50,000 from the general fund for increased funding from the general fund to replace an anticipated reduction in federal funding for the institutional services grant program, for the biennium beginning July 1, 2013, and ending June 30, 2015. The council on the arts may not award grants from the funds appropriated from the general fund referred to in this section unless grant recipients provide matching funds from nonstate sources on a dollar-for-dollar basis."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2010 - Council on the Arts - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$808,731	\$808,731	(\$33,927)	\$774,804
Operating expenses	348,023	348,023		348,023
Grants	2,102,307	2,102,307		2,102,307
Accrued leave payments			7,933	7,933
	\$3,259,061	\$3,259,061	(\$25,994)	\$3,233,067

Total all funds				
Less estimated income	1,744,917	1,744,917	0	1,744,917
General fund	\$1,514,144	\$1,514,144	(\$25,994)	\$1,488,150
FTE	5.00	5.00	0.00	5.00

Department No. 709 - Council on the Arts - Detail of House Changes

	Corrects Executive Compensation Package ¹	Adjusts State Employee Compensation and Benefits Package ²	Provides Separate Line Item for Accrued Leave Payments ³	Total House Changes
Salaries and wages	\$4,546	(\$30,540)	(\$7,933)	(\$33,927)
Operating expenses				
Grants				
Accrued leave payments			7,933	7,933
Total all funds	\$4,546	(\$30,540)	\$0	(\$25,994)
Less estimated income	0	0	0	0
General fund	\$4,546	(\$30,540)	\$0	(\$25,994)
FTE	0.00	0.00	0.00	0.00

¹ Funding is added due to a calculation error in the executive compensation package.

² This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

³ A portion of salaries and wages funding from the general fund (\$7,933) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

A new section is added to provide matching requirements for the institutional services grant program.

REPORT OF STANDING COMMITTEE

SB 2017, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2017 was placed on the Sixth order on the calendar.

Page 1, replace line 10 with:

"Salaries and wages	\$978,182	\$60,251	\$1,038,433
Accrued leave payments	0	10,698	10,698"

Page 1, replace line 12 with:

"Total special funds	\$1,827,199	\$970,955	\$2,798,154"
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ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2017 - Office of Administrative Hearings - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$1,075,272	\$1,082,165	(\$43,732)	\$1,038,433
Operating expenses	1,749,023	1,749,023		1,749,023
Accrued leave payments			10,698	10,698
Total all funds	\$2,824,295	\$2,831,188	(\$33,034)	\$2,798,154
Less estimated income	2,824,295	2,831,188	(33,034)	2,798,154
General fund	\$0	\$0	\$0	\$0
FTE	5.00	5.00	0.00	5.00

Department No. 140 - Office of Administrative Hearings - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Total House Changes
Salaries and wages	(\$33,034)	(\$10,698)	(\$43,732)
Operating expenses			
Accrued leave payments		10,698	10,698
Total all funds	(\$33,034)	\$0	(\$33,034)
Less estimated income	(33,034)	0	(33,034)
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

¹This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

²A portion of salaries and wages funding from other funds for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

REPORT OF STANDING COMMITTEE

SB 2019, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2019 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to amend and reenact sections 52-08-09, 52-08-10, and"

Page 1, replace lines 3 and 4 with "and to provide borrowing authority to Williston state college."

Page 1, replace line 14 with:

"Salaries and wages	\$4,362,974	\$205,715	\$4,568,689
Accrued leave payments	0	96,477	96,477"

Page 1, replace lines 16 and 17 with:

"Grants	29,025,000	1,878,698	30,903,698
Grants - postsecondary	357,452	140,000	497,452"

Page 1, replace lines 19 through 22 with:

"Workforce training	<u>3,000,000</u>	<u>0</u>	<u>3,000,000</u>
Total all funds	\$38,748,567	\$2,320,890	\$41,069,457
Less estimated income	<u>10,766,888</u>	<u>(481,118)</u>	<u>10,285,770</u>
Total general fund appropriation	\$27,981,679	\$2,802,008	\$30,783,687"

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 22 with:

"SECTION 2. BORROWING AUTHORITY - APPROPRIATION - WILLISTON STATE COLLEGE - WORKFORCE TRAINING PROJECT. Williston state college may borrow the sum of \$2,500,000, or so much of the sum as may be necessary, from the Bank of North Dakota, under terms and conditions as determined by the Bank of North Dakota, for the workforce training facility project, for the biennium beginning July 1, 2013, and ending June 30, 2015. The proceeds of the loan authorized in this section are appropriated to Williston state college for the purpose of constructing a workforce training facility for the biennium beginning July 1, 2013, and ending June 30, 2015."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2019 - Summary of House Action

	<u>Executive Budget</u>	<u>Senate Version</u>	<u>House Changes</u>	<u>House Version</u>
Williston State College				
Total all funds	\$0	\$0	\$2,500,000	\$2,500,000
Less estimated income	<u>0</u>	<u>0</u>	<u>2,500,000</u>	<u>2,500,000</u>
General fund	\$0	\$0	\$0	\$0
Dept. of Career and Technical Education				
Total all funds	\$41,124,457	\$44,531,146	(\$3,461,689)	\$41,069,457
Less estimated income	<u>10,290,485</u>	<u>13,290,619</u>	<u>(3,004,849)</u>	<u>10,285,770</u>
General fund	\$30,833,972	\$31,240,527	(\$456,840)	\$30,783,687
Bill total				
Total all funds	\$41,124,457	\$44,531,146	(\$961,689)	\$43,569,457
Less estimated income	<u>10,290,485</u>	<u>13,290,619</u>	<u>(504,849)</u>	<u>12,785,770</u>
General fund	\$30,833,972	\$31,240,527	(\$456,840)	\$30,783,687

Senate Bill No. 2019 - Williston State College - House Action

	<u>Executive Budget</u>	<u>Senate Version</u>	<u>House Changes</u>	<u>House Version</u>
Capital assets			\$2,500,000	\$2,500,000
Total all funds	\$0	\$0	\$2,500,000	\$2,500,000
Less estimated income	<u>0</u>	<u>0</u>	<u>2,500,000</u>	<u>2,500,000</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Department No. 229 - Williston State College - Detail of House Changes

	<u>Adds Funding for Workforce Training Facility¹</u>	<u>Total House Changes</u>
Capital assets	\$2,500,000	\$2,500,000
Total all funds	\$2,500,000	\$2,500,000
Less estimated income	<u>2,500,000</u>	<u>2,500,000</u>
General fund	\$0	\$0

FTE	0.00	0.00
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¹A section is added authorizing Williston State College to borrow up to \$2.5 million from the Bank of North Dakota and appropriates the loan proceeds for the construction of a workforce training facility.

Senate Bill No. 2019 - Dept. of Career and Technical Education - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$4,860,166	\$4,866,855	(\$298,166)	\$4,568,689
Operating expenses	1,253,339	1,253,339		1,253,339
Grants	30,903,698	30,803,698	100,000	30,903,698
Grants - Postsecondary	357,452	1,257,452	(760,000)	497,452
Adult farm management	749,802	749,802		749,802
Workforce training	3,000,000	5,600,000	(2,600,000)	3,000,000
Accrued leave payments			96,477	96,477
Total all funds	\$41,124,457	\$44,531,146	(\$3,461,689)	\$41,069,457
Less estimated income	10,290,485	13,290,619	(3,004,849)	10,285,770
General fund	\$30,833,972	\$31,240,527	(\$456,840)	\$30,783,687
FTE	27.00	27.00	0.00	27.00

Department No. 270 - Dept. of Career and Technical Education - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Reduces Funding to the Workforce Training Regions ³	Removes Funding for STEM Infusion Initiative ⁴	Removes Funding for STEM Programs ⁵	Increases Funding to New and Expanding Programs ⁶
Salaries and wages	(\$201,689)	(\$96,477)				
Operating expenses						
Grants						100,000
Grants - Postsecondary				(200,000)	(300,000)	
Adult farm management						
Workforce training			(2,600,000)			
Accrued leave payments		96,477				
Total all funds	(\$201,689)	\$0	(\$2,600,000)	(\$200,000)	(\$300,000)	\$100,000
Less estimated income	(4,849)	0	(2,600,000)	0	0	0
General fund	(\$196,840)	\$0	\$0	(\$200,000)	(\$300,000)	\$100,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adjusts STEM Network Funding ⁷	Total House Changes
Salaries and wages		(\$298,166)
Operating expenses		
Grants		100,000
Grants - Postsecondary	(260,000)	(760,000)
Adult farm management		
Workforce training		(2,600,000)
Accrued leave payments		96,477
Total all funds	(\$260,000)	(\$3,461,689)
Less estimated income	(400,000)	(3,004,849)
General fund	\$140,000	(\$456,840)
FTE	0.00	0.00

¹This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.

- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

²A portion of salaries and wages funding from the general fund (\$81,028) and from other funds (\$15,449) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³This amendment removes the funding added by the Senate to the workforce training regions to provide a total of \$3 million, the same amount provided in the executive budget.

⁴This amendment removes the funding added by the Senate for the STEM infusion initiative.

⁵This amendment removes the funding added by the Senate for STEM programs.

⁶This amendment provides additional funding to the new and expanding programs to provide a total of \$700,000, all of which is from the general fund.

⁷Adjusts STEM funding to provide a total of \$300,000, including the \$160,000 from the general fund appropriated in House Bill No. 1228 which has been approved by both chambers, and changes the funding source from the strategic investment and improvements fund to the general fund.

This amendment also:

- Removes Sections 2, 3, and 4 which changed the Workforce Training Board reporting requirements from the State Board of Higher Education to the State Board for Career and Technical Education.
- Removes Section 5 which required the Department of Career and Technical Education to report the performance measures of the STEM network to the Budget Section.
- Removes Section 7 relating to matching funds for STEM grants, the funding for which is removed by the House.

REPORT OF STANDING COMMITTEE

SB 2075, as engrossed and amended: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (20 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2075, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1059 and 1060 of the House Journal, Engrossed Senate Bill No. 2075 is amended as follows:

Page 1, line 2, remove "; and"

Page 1, line 3, remove "to declare an emergency"

Page 1, line 8, replace "period" with "biennium"

Page 1, line 8, remove "with the"

Page 1, line 9, replace "effective date of this Act" with "July 1, 2013"

Page 1, remove line 22

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2269, as reengrossed and amended: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO NOT PASS** (19 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2269, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1080: Your conference committee (Sens. Laffen, Sorvaag, Sinner and Reps. Ruby, Frantsvog, Gruchalla) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1202 and place HB 1080 on the Seventh order.

HB 1080 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1157: Your conference committee (Sens. J. Lee, Anderson, Dotzenrod and Reps. Beadle, Klein, Hanson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 897-898 and place HB 1157 on the Seventh order.

HB 1157 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1163: Your conference committee (Sens. Andrist, Klein, Murphy and Reps. Ruby, Keiser, M. Nelson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1149 and place HB 1163 on the Seventh order.

HB 1163 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1251, as engrossed: Your conference committee (Sens. Unruh, Sorvaag, Murphy and Reps. Vigesaa, Beadle, Boschee) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1169-1170 and place HB 1251 on the Seventh order.

Engrossed HB 1251 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HCR 3016, as engrossed: Your conference committee (Sens. Laffen, Burckhard, Murphy and Reps. Vigesaa, Drovdal, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1202 and place HCR 3016 on the Seventh order.

Engrossed HCR 3016 was placed on the Seventh order of business on the calendar.

The House stood adjourned pursuant to Representative Vigesaa's motion.

Buell J. Reich, Chief Clerk

