

## JOURNAL OF THE SENATE

## Sixty-second Legislative Assembly

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Bismarck, April 20, 2011

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

The prayer was offered by Pastor Joel Samuelson, House of Prayer Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. BERRY MOVED** that the conference committee report on Engrossed SB 2268 as printed on SJ pages 1556-1558 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2268, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2268:** A BILL for an Act to provide for a regional autism spectrum disorder centers of early intervention and achievement pilot program; to provide for a report to the legislative management; to provide for a report to the sixty-third legislative assembly; to provide for a legislative management study; and to provide an expiration date.

**ROLL CALL**

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

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

Reengrossed SB 2268 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. GRINDBERG MOVED** that the conference committee report on SB 2005 as printed on SJ pages 1555-1556 be adopted, which motion prevailed on a voice vote.

SB 2005, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2005:** A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

**ROLL CALL**

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

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

Wardner; Warner

Engrossed SB 2005 passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. HOLMBERG MOVED** that the conference committee report on HB 1033 as printed on SJ page 1558 be adopted, which motion prevailed on a voice vote.

HB 1033, as amended, was placed on the Fourteenth order of business.

#### SECOND READING OF HOUSE BILL

**HB 1033:** A BILL for an Act to amend and reenact sections 54-44.1-04 and 54-44.1-06 of the North Dakota Century Code, relating to budget requests and block grant appropriations for the North Dakota university system; and to provide for a legislative management study.

#### ROLL CALL

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

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

HB 1033, as amended, passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. BERRY MOVED** that the conference committee report on Reengrossed HB 1266 as printed on SJ pages 1558-1559 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1266, as amended, was placed on the Fourteenth order of business.

#### SECOND READING OF HOUSE BILL

**HB 1266:** A BILL for an Act to create and enact a new section to chapter 23-01.2 of the North Dakota Century Code, relating to a state department of health emergency medical services and trauma medical director; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Laffen; Larsen

Reengrossed HB 1266, as amended, passed.

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: HB 1141.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2005, SB 2268.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1033, HB 1266.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1002, HB 1007, HB 1016, HB 1046.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2050, SB 2309.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2009.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2044.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1005, HB 1019, HB 1041, HB 1174, HB 1269.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2044.

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

**MR. SPEAKER:** The President has signed: SB 2281.

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

**MR. SPEAKER:** The President has signed: HB 1468, HCR 3047.

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3009, HCR 3016, HCR 3047.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on April 20, 2011: SB 2281.

**MOTION**

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

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

**REPORT OF CONFERENCE COMMITTEE**

**SB 2369, as engrossed:** Your conference committee (Sens. Grindberg, Holmberg, Robinson and Reps. Delzer, Thoreson, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1222-1225, adopt amendments as follows, and place SB 2369 on the Seventh order:

That the House recede from its amendments as printed on pages 1222-1225 of the Senate Journal and pages 1398-1401 of the House Journal and that Engrossed Senate Bill No. 2369 be amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the state disaster relief fund;"

Page 1, line 1, replace "department of emergency services" with "adjutant general"

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

Page 1, after line 4, insert:

**"SECTION 1. 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 ~~defraying the expenses of state disasters, including providing funds required to match federal funds for~~ expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund."

Page 1, line 5, replace "There" with "Notwithstanding the provisions of section 37-17.1-27, there"

Page 1, line 13, remove "2010 disregarding the year with the highest snow"

Page 1, remove line 14

Page 1, line 15, replace "months" with "2008"

Page 1, line 18, after the period insert "The funding provided in this section is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used for purposes as provided for in section 4 of this Act."

Page 2, line 3, replace "department of emergency services" with "adjutant general"

Page 2, line 4, after "expenses" insert "only"

Page 2, line 4, remove "for"

Page 2, line 4, after "efforts" insert "as authorized in subsections 1 through 5"

Page 2, line 6, after "may" insert "only"

Page 2, line 6, replace "department of emergency services" with "adjutant general, subject to emergency commission and budget section approval,"

Page 2, line 7, remove ", subject to"

Page 2, line 8, replace "emergency commission approval" with "associated with presidential-declared disasters in the state"

Page 2, line 9, after "2." insert "a."

Page 2, line 9, replace "Flood" with "Notwithstanding the provisions of section 37-17.1-27, flood"

Page 2, line 10, replace "a." with "(1)"

Page 2, line 11, replace "b." with "(2)"

Page 2, line 11, after the semicolon insert "and"

Page 2, line 12, replace "c." with "(3)"

Page 2, line 12, replace "; and" with a period

Page 2, replace lines 13 and 14 with:

- "b. The adjutant general may spend funds for purposes as provided for in this subsection only to the extent that federal funds are not available for this flood disaster relief or these disaster mitigation projects as certified by the adjutant general to the office of management and budget.
  - c. Total expenses paid from the state disaster relief fund under this subsection may not exceed \$3,200,000.
3. a. Notwithstanding the provisions of section 37-17.1-27, grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects located on any natural body of water that comprises more than one hundred fifty thousand acres at current water levels and has risen more than twenty-five feet since 1993, subject to the road:
- (1) Qualifying for federal emergency management agency grade raise matching funds;
  - (2) Having been inundated for six months or more or being expected to become inundated for six months or more after April 1, 2011;
  - (3) Being the only access road to a residence; or
  - (4) Being identified as a primary road in the county strategic road plan.
- b. The state will pay the state share required to match federal funds on eligible road grade raising projects and:
- (1) Fifty percent of the local share on eligible county or township roads for a county or township that has lost up to thirty-three percent of its taxable land within the township where the road is located due to inundated lands since 1993.
  - (2) Seventy-five percent of the local share on eligible county or township roads for a county or township that has lost more than thirty-three percent but less than fifty percent of its taxable land within the township where the road is located due to inundated lands since 1993.
  - (3) Ninety percent of the local share on eligible county or township roads for a county or township that has lost fifty percent or more of its taxable land within the township where the road is located due to inundated lands since 1993.
4. Grants to political subdivisions for a portion of the local share required to match federal emergency relief funding relating to disasters occurring from January 2011 through June 2011. A political subdivision may apply to the adjutant general for an emergency relief grant under this subsection for up to fifty percent of the local match required to receive the federal emergency relief funding."

Page 2, line 15, replace "3." with "5."

Page 2, line 15, remove "disasters pursuant to section 37-17.1-27, subject to emergency commission"

Page 2, line 16, replace "approval, not related to flooding that occurs during the spring of 2011" with "expenses associated with presidential-declared disasters in the state"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2369 - Adjutant General - Conference Committee Action**

This amendment:

- Changes Section 37-17.1-27 relating to the state disaster relief fund to limit use of money in the fund for only the required state share of funding for expenses associated with presidential-declared disasters in the state and to require Emergency Commission and Budget Section approval of the use of money in the fund. The provision included in the House version limiting the use of funds to only match federal funds is removed.
- Provides that the \$9 million for emergency snow removal grant is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used as provided in Section 4 of the bill. The years used to determine average snow removal costs are changed to 2004 through 2008 rather than 2004 through 2010 with the highest and lowest snow removal cost years being disregarded. The conference committee provides that any remaining funds may be used as provided in Section 4 of the bill. The House provided that any remaining funds only be used for the state share of funding to match federal funds for expenses associated with presidential-declared disasters in the state.
- Changes the provisions of funding available for spring 2011 flooding. The amendment states that funding is available for state costs relating to flooding occurring during the spring of 2011 associated with presidential-declared disasters in the state. The House specified that funding is available for the state share of funding required to match federal funds for costs relating to spring 2011 flooding associated with presidential-declared disasters in the state.
- Limits funding available for flood disaster relief or disaster mitigation projects in eligible incorporated cities to \$3.2 million. This is the same as the House version.
- Adds authorization to provide grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects. Road grade raising grants are limited to 50 percent of the local share for political subdivisions that lost up to 33 percent of taxable land due to inundated lands since 1993, 75 percent for political subdivisions that have lost 33 percent but less than 50 percent, and 90 percent for political subdivisions that have lost 50 percent or more. The eligibility requirements are changed from the House version in the definition of a body of water, the requirement for a project to meet all eligibility criteria is changed to permit projects to meet only one of the four eligibility criteria, and the criteria that the road become inundated for six months or more after April 1, 2011, is changed to having been inundated for six months or more or is expected to become inundated for six months or more after April 1, 2011.
- Adds authorization to provide grants to political subdivisions for up to 50 percent of the local share required to match federal disaster relief funds for disasters occurring from January 2011 through June 2011.
- Changes the provisions of funding available for presidential-declared disasters in the state. The conference committee provides that funding is available for expenses associated with presidential-declared disasters in the state. The House specified that funding is available for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state.
- Requires Emergency Commission and Budget Section approval of disaster relief grants, except emergency snow removal grants. This is the same as the House version.

Engrossed SB 2369 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. GRINDBERG MOVED** that the conference committee report on Engrossed SB 2369 as printed on SJ pages 1567-1570 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2369, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2369:** A BILL for an Act to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the state disaster relief fund; to provide appropriations to the adjutant general for emergency snow removal grants, flood mitigation, and for state disasters; to provide for a transfer; to provide for a budget section report; and to declare an emergency.

**ROLL CALL**

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

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

Reengrossed SB 2369 passed and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2161, as engrossed:** Your conference committee (Sens. Olafson, Andrist, Dotzenrod and Reps. Koppelman, Kretschmar, Kilichowski) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1151, adopt amendments as follows, and place SB 2161 on the Seventh order:

That the House recede from its amendments as printed on page 1151 of the Senate Journal and pages 1308 and 1309 of the House Journal and that Engrossed Senate Bill No. 2161 be amended as follows:

Page 1, line 17, remove the underscored colon

Page 1, line 18, replace "(1) is" with "is"

Page 1, line 18, replace "naturally occurring hazard" with "condition"

Page 1, line 19, remove ": and"

Page 1, remove lines 20 through 23

Page 2, replace lines 1 through 4 with ", unless:

- (1) The political subdivision is served with written notice that is either in its possession or verified by receipt;
- (2) The condition is unusually hazardous or unusually dangerous. meaning, in the context of this subsection, it is so peculiarly dangerous there is a substantial risk that an individual exercising due care and driving within the limits of the law could not drive on that part of the congressional section line safely;
- (3) If the condition is naturally occurring, it has occurred or substantially worsened within thirty days before the written notice provided for in paragraph 1; and
- (4) The political subdivision either fails to take action to mitigate the condition or fails to order mitigation of the condition as provided for in subdivision c, or fails to provide warning that the congressional section line has a hazardous condition, as soon as is practicable, but not to exceed ten days after service of the notice."

Page 2, line 5, remove "paragraph 2 of"

Page 2, line 5, remove "creates a"

Page 2, line 6, replace "hazard by altering" with "causes or contributes to an unusually hazardous or unusually dangerous condition on"

Page 2, line 6, replace "is" with "may be"

Page 2, line 6, remove "any"

Page 2, line 6, remove "caused"

Page 2, line 7, remove "by the alteration"

Page 2, line 8, replace "seek" with "issue"

Page 2, line 8, replace "alters" with "causes or contributes to an unusually hazardous or unusually dangerous condition on"

Page 2, line 9, remove "restore the congressional section line to its original"

Page 2, line 10 replace "state" with "mitigate the condition"

Renumber accordingly

Engrossed SB 2161 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. OLAFSON MOVED** that the conference committee report on Engrossed SB 2161 as printed on SJ pages 1571-1572 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2161, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2161:** A BILL for an Act to create and enact subsection 7 to section 32-12.1-03 of the North Dakota Century Code, relating to political subdivision liability; and to amend and reenact section 24-06-31 of the North Dakota Century Code, relating to obstructions in highways.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Dotzenrod; Marcellais; Mathern; Nelson; Robinson; Schneider; Taylor; Triplett; Warner

Reengrossed SB 2161 passed.

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#### REPORT OF CONFERENCE COMMITTEE

**SB 2003, as engrossed:** Your conference committee (Sens. Kilzer, Erbele, Warner and Reps. Dahl, Klein, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1290-1292, adopt amendments as follows, and place SB 2003 on the Seventh order:

That the House recede from its amendments as printed on pages 1290-1292 of the Senate Journal and pages 1445-1447 of the House Journal and that Engrossed Senate Bill No.

2003 be amended as follows:

Page 1, line 6, after the second semicolon insert "to provide legislative intent;"

Page 1, replace line 15 with:

"Salaries and wages \$25,958,281 \$3,547,765 \$29,506,046"

Page 2, replace line 1 with:

"Total all funds \$50,862,653 \$7,520,910 \$58,383,563"

Page 2, replace line 3 with:

"Total general fund \$28,060,432 \$3,481,813 \$31,542,245"

Page 5, after line 13, insert:

**"SECTION 10. PROJECT PLANNING AND IMPLEMENTATION.** The attorney general shall involve the information technology department in the study and planning of the criminal history repository replacement project, for the biennium beginning July 1, 2011, and ending June 30, 2013. The attorney general shall include information technology department architects in software development, computer systems, and security and network on the project team responsible for the study and planning of the project and receive approval from the information technology department before proceeding with any study recommendations relating to the project.

**SECTION 11. LEGISLATIVE INTENT - EMPLOYEE POSITIONS PAID WITH FEDERAL FISCAL STIMULUS FUNDS.** It is the intent of the sixty-second legislative assembly that the attorney general's base budget for the 2013-15 biennium not include funding or full-time equivalent positions for employees paid for with federal fiscal stimulus funds during the 2011-13 biennium. The attorney general may request funding for these positions as optional requests in the agency's budget request for the 2013-15 biennium."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2003 - Attorney General - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$29,573,339	\$29,573,339	(\$67,293)	\$29,506,046	\$29,178,016	\$328,030
Operating expenses	16,418,016	16,418,016		16,418,016	16,418,016	
Capital assets	2,256,183	2,256,183		2,256,183	2,256,183	
Grants	3,420,000	3,420,000		3,420,000	3,420,000	
Litigation fees	50,000	50,000		50,000	50,000	
Medical examinations	660,000	660,000		660,000	660,000	
North Dakota Lottery	3,700,242	3,700,242		3,700,242	3,700,242	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming Commission	7,368	7,368		7,368	7,368	
Federal stimulus funds	2,355,708	2,355,708		2,355,708	2,355,708	
Total all funds	\$58,450,856	\$58,450,856	(\$67,293)	\$58,383,563	\$58,055,533	\$328,030
Less estimated income	26,841,318	26,841,318	0	26,841,318	26,841,318	0
General fund	\$31,609,538	\$31,609,538	(\$67,293)	\$31,542,245	\$31,214,215	\$328,030
FTE	202.50	202.50	0.00	202.50	202.50	0.00

**Department No. 125 - Attorney General - Detail of Conference Committee Changes**

	Removes Funding for Salary Equity Increases for Forensic Staff <sup>1</sup>	Increases Funding for Forensic Staff Salaries for Certification <sup>2</sup>	Total Conference Committee Changes
Salaries and wages	(\$105,401)	\$38,108	(\$67,293)

Operating expenses			
Capital assets			
Grants			
Litigation fees			
Medical examinations			
North Dakota Lottery			
Arrest and return of fugitives			
Gaming Commission			
Federal stimulus funds			
Total all funds	(\$105,401)	\$38,108	(\$67,293)
Less estimated income	0	0	0
General fund	(\$105,401)	\$38,108	(\$67,293)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment removes funding included in the executive recommendation for forensic scientists for salary equity adjustments. The House removed \$192,293 for salary equity adjustments and salary increases upon employees receiving certification.

<sup>2</sup> This amendment increases funding for salary increases for forensic staff upon certification, from \$86,892 included in the executive recommendation to a total of \$125,000. The House removed \$86,892.

The conference committee did not make funding reductions included in the House version relating to the Attorney General's salary (\$12,529) and salary reclassifications (\$190,501).

This amendment adds two sections relating to:

- The study and planning of the criminal history repository replacement information technology project.
- Legislative intent regarding employee positions paid for with federal stimulus funding during the 2011-13 biennium.

These sections were also added by the House.

Engrossed SB 2003 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. KILZER MOVED** that the conference committee report on Engrossed SB 2003 as printed on SJ pages 1572-1574 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2003, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to create and enact two new sections to chapter 18-01 of the North Dakota Century Code, relating to fire and tornado fund fees and petroleum release compensation fund fees; to amend and reenact sections 12-60-25, 54-12-11, and 57-43.1-03.2 of the North Dakota Century Code, relating to missing children, the salary of the attorney general, and refunds of tax for fuel purchased by native Americans; to provide an exemption; to provide legislative intent; and to declare an emergency.

#### ROLL CALL

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

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

Reengrossed SB 2003 passed and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**SB 2298, as reengrossed:** Your conference committee (Sens. Dever, Krebsbach, Mathern and Reps. Kreidt, Hawken, Metcalf) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1217, adopt amendments as follows, and place SB 2298 on the Seventh order:

That the House recede from its amendments as printed on page 1217 of the Senate Journal and pages 1397 and 1398 of the House Journal and that Reengrossed Senate Bill No. 2298 be amended as follows:

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

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

Page 1, line 10, after "establish" insert "in collaboration with the department of commerce"

Page 1, line 18, replace "shall" with "may"

Page 2, line 17, replace "shall" with "may"

Page 3, replace lines 23 through 31 with:

**"SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the department of human services for the purpose of funding the early childhood services inclusion support services, for the biennium beginning July 1, 2011, and ending June 30, 2013.

**SECTION 3. LEGISLATIVE INTENT - GRANT FUNDING.** It is the intent of the legislative assembly that the funding source for grants provided under section 1 of this Act come from that portion of the grant line item of the department of commerce appropriation attributable to the department of commerce's grants for the early childhood facilities program. The total amount of grants awarded under section 1 of this Act which are funded by the department of commerce grant line item may not exceed fifty percent of the funds available under the department of commerce's grants for the early childhood facilities program, and the grant under section 1 of this Act must comply with the maximum grant amount and matching fund requirements of the department of commerce's grants for the early childhood facilities program.

**SECTION 4. LEGISLATIVE MANAGEMENT STUDY - CHILDREN SERVICES FUNDING.** During the 2011-12 interim, the legislative management shall consider studying the delivery of early childhood services and programs aimed at providing services to children, such as head start, temporary assistance to needy families, the early childhood comprehensive system program, and department of public instruction-approved preschools and the funding sources for the recipients and providers of these services. The study must include a review of the various agencies involved in providing grants and other funding for the recipients and providers of these services. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

Reengrossed SB 2298 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. DEVER MOVED** that the conference committee report on Reengrossed SB 2298 as printed on SJ page 1575 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2298, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2298:** A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to the establishment of early childhood services inclusion support services and a grant program for licensed early childhood services providers who care for children with special needs; to provide a statement of legislative intent; to provide for a legislative management study; to provide a continuing appropriation; and to provide an appropriation.

**ROLL CALL**

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

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

Reengrossed SB 2298 passed.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1002, as engrossed:** Your conference committee (Sens. Kilzer, Wanzek, Warner and Reps. Dahl, Kempenich, Kroeber) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1298-1300, adopt amendments as follows, and place HB 1002 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1298-1300 of the House Journal and pages 1029 and 1030 of the Senate Journal and that Engrossed House Bill No. 1002 be amended as follows:

Page 1, replace line 23 with:

"Salaries and wages	\$48,980,255	\$5,235,889	\$54,216,144"
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Page 2, replace line 6 with:

"Total all funds	\$65,039,419	\$8,140,388	\$73,179,807"
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Page 2, replace line 8 with:

"Total general fund	\$63,268,958	\$8,054,074	\$71,323,032"
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Page 2, replace line 22 with:

"Grand total general fund	\$74,282,634	\$9,199,728	\$83,482,362"
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Page 2, replace lines 24 and 25 with:

"Grand total all funds	\$76,367,441	\$9,297,195	\$85,664,636
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Full-time equivalent positions	342.00	2.00	344.00"
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Reorder accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1002 - Summary of Conference Committee Action**

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Supreme Court						
Total all funds	\$11,689,507	\$11,594,874	\$0	\$11,594,874	\$11,594,874	\$0

Less estimated income	0	0	0	0	0	0
General fund	\$11,689,507	\$11,594,874	\$0	\$11,594,874	\$11,594,874	\$0
District Courts						
Total all funds	\$74,102,085	\$73,015,765	\$164,042	\$73,179,807	\$73,343,849	(\$164,042)
Less estimated income	1,856,775	1,856,775	0	1,856,775	1,856,775	0
General fund	\$72,245,310	\$71,158,990	\$164,042	\$71,323,032	\$71,487,074	(\$164,042)
Judicial Conduct Commission						
Total all funds	\$889,955	\$889,955	\$0	\$889,955	\$889,955	\$0
Less estimated income	325,499	325,499	0	325,499	325,499	0
General fund	\$564,456	\$564,456	\$0	\$564,456	\$564,456	\$0
Bill total						
Total all funds	\$86,681,547	\$85,500,594	\$164,042	\$85,664,636	\$85,828,678	(\$164,042)
Less estimated income	2,182,274	2,182,274	0	2,182,274	2,182,274	0
General fund	\$84,499,273	\$83,318,320	\$164,042	\$83,482,362	\$83,646,404	(\$164,042)

**House Bill No. 1002 - Supreme Court - Conference Committee Action**

The conference committee did not change the House version for the Supreme Court. The Senate also did not change the House version.

**House Bill No. 1002 - District Courts - Conference Committee Action**

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$54,906,227	\$54,052,102	\$164,042	\$54,216,144	\$54,380,186	(\$164,042)
Operating expenses	17,058,522	16,858,522		16,858,522	16,858,522	
Capital assets	694,480	676,480		676,480	676,480	
Judges retirement	493,192	478,997		478,997	478,997	
UND central legal research	80,000	80,000		80,000	80,000	
Mediation	869,664	869,664		869,664	869,664	
Total all funds	\$74,102,085	\$73,015,765	\$164,042	\$73,179,807	\$73,343,849	(\$164,042)
Less estimated income	1,856,775	1,856,775	0	1,856,775	1,856,775	0
General fund	\$72,245,310	\$71,158,990	\$164,042	\$71,323,032	\$71,487,074	(\$164,042)
FTE	297.00	294.00	1.00	295.00	296.00	(1.00)

**Department No. 182 - District Courts - Detail of Conference Committee Changes**

	Restores Funding for 1 FTE Position <sup>1</sup>	Total Conference Committee Changes
Salaries and wages	\$164,042	\$164,042
Operating expenses		
Capital assets		
Judges retirement		
UND central legal research		
Mediation		
Total all funds	\$164,042	\$164,042
Less estimated income	0	0
General fund	\$164,042	\$164,042
FTE	1.00	1.00

<sup>1</sup> This amendment restores 1 of the 2 FTE juvenile court officer positions removed by the House. The location of the juvenile court officer is to be determined by the judicial branch. The Senate restored 2 FTE juvenile court officer positions.

**House Bill No. 1002 - Judicial Conduct Commission - Conference Committee Action**

The conference committee did not change the House version for the Judicial Conduct Commission. The Senate also did not change the House version.

Engrossed HB 1002 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KILZER MOVED** that the conference committee report on Engrossed HB 1002 as printed on SJ pages 1576-1578 be adopted, which motion prevailed on a voice vote.

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

**SECOND READING OF HOUSE BILL**

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

**ROLL CALL**

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

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

Engrossed HB 1002, as amended, passed.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1046, as engrossed:** Your conference committee (Sens. Cook, Miller, Dotzenrod and Reps. Froseth, Hatlestad, S. Meyer) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1422-1423, adopt amendments as follows, and place HB 1046 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1422 and 1423 of the House Journal and pages 1189-1191 of the Senate Journal and that Engrossed House Bill No. 1046 be amended as follows:

Page 1, line 5, remove "continuing"

Page 1, line 6, replace "appropriation" with "statement of legislative intent"

Page 2, line 11, after "the" insert "mining"

Page 2, line 17, after "5." insert "\"Mining permit area\" means the area covered by a permit issued by the industrial commission to mine potash and potash byproducts."

6. "

Page 2, line 20, replace "6." with "7."

Page 2, line 25, replace "7." with "8."

Page 2, line 28, replace "8." with "9."

Page 3, line 1, replace "9." with "10."

Page 3, line 1, replace "a subsurface mineral" with "potash"

Page 3, line 2, replace "byproduct" with "potash byproducts"

Page 3, line 4, replace "four" with "two"

Page 3, line 7, after "potash" insert "is assessed against the sales price of the potash in an arm's-length contract between the taxpayer and the purchaser. If a potash sale or transfer is not the result of an arm's-length contract, the tax"

Page 3, line 10, after "index" insert "(commodity code PCU212391212391)"

Page 3, line 23, remove ". less. when applicable. transportation"

Page 3, remove line 24

Page 3, line 25, remove "point of sale under the contract"

Page 3, line 28, remove ". less. when applicable. transportation costs associated with moving the"

Page 3, line 29, remove "byproducts to the point of sale"

Page 4, line 19, remove "and city auditor"

Page 4, line 21, remove "- Continuing appropriation"

Page 4, replace line 23 with "determined by the sixty-third legislative assembly."

Page 4, remove lines 24 through 30

Page 5, remove lines 1 through 23

Page 13, line 6, replace "Powers of industrial commission" with "Rules - Legislative intent"

Page 13, remove line 7

Page 13, line 8, replace "protection. and reclamation. Environmental" with "It is the intention of the legislative assembly that potash mining, environmental"

Page 13, line 8, after "protection" insert an underscored comma

Page 13, line 10, after the first underscored comma insert "and"

Page 13, line 10, remove the second underscored comma

Page 13, line 10, after the second "and" insert "that the adopting agency will promote"

Page 13, after line 11, insert:

**"SECTION 4. LEGISLATIVE INTENT - IMPACT LOANS 2013-15 BIENNIUM.**

It is the intent of the sixty-second legislative assembly that the sixty-third legislative assembly will provide a source for up to \$2,000,000, or so much of the sum as may be necessary, for loans to potash development-impacted political subdivisions, for the biennium beginning July 1, 2013, and ending June 30, 2015, to be repaid from the future proceeds of tax allocations under chapter 57-65."

Renumber accordingly

Engrossed HB 1046 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. MILLER MOVED** that the conference committee report on Engrossed HB 1046 as printed on SJ pages 1578-1579 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1046, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1046:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 and chapter 57-65 of the North Dakota Century Code, relating to a sales tax exemption

for potash and byproducts of potash and taxation of potash and byproducts; to amend and reenact subsection 32 of section 57-02-08 of the North Dakota Century Code, relating to exemption of minerals subject to in lieu of taxes; to provide for a legislative management study; to provide a statement of legislative intent; to provide a penalty; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Dotzenrod; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Taylor; Triplett

Engrossed HB 1046, as amended, passed.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1007, as engrossed:** Your conference committee (Sens. Kilzer, Bowman, Robinson and Reps. Kreidt, J. Nelson, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1174-1176, adopt amendments as follows, and place HB 1007 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1174-1176 of the House Journal and pages 853-855 of the Senate Journal and that Engrossed House Bill No. 1007 be amended as follows:

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 37-15 of the North Dakota Century Code, relating to a memorial fund;"

Page 1, line 2, remove "a"

Page 1, line 2, replace "study" with "studies"

Page 1, replace lines 14 through 16 with:

"Salaries and wages	\$11,538,855	\$2,378,006	\$13,916,861
Operating expenses	4,561,857	1,380,428	5,942,285
Capital assets	259,906	445,594	705,500"

Page 1, replace lines 18 and 19 with:

"Total all funds	\$18,403,882	\$2,492,764	\$20,896,646
Less estimated income	<u>13,677,293</u>	<u>1,666,030</u>	<u>15,343,323"</u>

Page 3, after line 5, insert:

**"SECTION 3.** A new section to chapter 37-15 of the North Dakota Century Code is created and enacted as follows:

#### **Melvin Norgard memorial fund - Creation.**

There is created in the state treasury the Melvin Norgard memorial fund. All income related to a bequest made to the veterans' home by Melvin Norgard, including mineral lease income, royalties, and sale proceeds, must be transferred or deposited into the Melvin Norgard memorial fund. Notwithstanding any other

provision of law, the state treasurer shall invest moneys in the fund in accordance with section 21-10-07. Investment income of the fund must be retained in the fund. Moneys in the fund are available, subject to legislative appropriations, for projects and programs to benefit and serve the residents of the veterans' home. The legislative assembly shall consider recommendations of the governing board of the veterans' home when determining appropriations from this fund for projects and programs to benefit and serve the residents of the veterans' home."

Page 3, after line 11, insert:

**"SECTION 5. LEGISLATIVE MANAGEMENT STUDY - DELIVERY OF SERVICES TO VETERANS.** During the 2011-12 interim, the legislative management shall consider studying the delivery of services to veterans, including the consistency in training and of the provision of services by county veterans' service officers. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1007 - Summary of Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Veterans' Home						
Total all funds	\$20,831,646	\$20,861,646	\$35,000	\$20,896,646	\$21,056,646	(\$160,000)
Less estimated income	15,151,823	15,308,323	35,000	15,343,323	15,376,823	(33,500)
General fund	\$5,679,823	\$5,553,323	\$0	\$5,553,323	\$5,679,823	(\$126,500)
Department of Veterans' Affairs						
Total all funds	\$1,137,219	\$1,137,219	\$0	\$1,137,219	\$1,137,219	\$0
Less estimated income	0	0	0	0	0	0
General fund	\$1,137,219	\$1,137,219	\$0	\$1,137,219	\$1,137,219	\$0
Bill total						
Total all funds	\$21,968,865	\$21,998,865	\$35,000	\$22,033,865	\$22,193,865	(\$160,000)
Less estimated income	15,151,823	15,308,323	35,000	15,343,323	15,376,823	(33,500)
General fund	\$6,817,042	\$6,690,542	\$0	\$6,690,542	\$6,817,042	(\$126,500)

#### House Bill No. 1007 - Veterans' Home - Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$13,936,861	\$13,936,861	(\$20,000)	\$13,916,861	\$13,916,861	
Operating expenses	5,932,285	5,932,285	10,000	5,942,285	6,002,285	(60,000)
Capital assets	630,500	660,500	45,000	705,500	805,500	(100,000)
New Veterans' Home	332,000	332,000		332,000	332,000	
Total all funds	\$20,831,646	\$20,861,646	\$35,000	\$20,896,646	\$21,056,646	(\$160,000)
Less estimated income	15,151,823	15,308,323	35,000	15,343,323	15,376,823	(33,500)
General fund	\$5,679,823	\$5,553,323	\$0	\$5,553,323	\$5,679,823	(\$126,500)
FTE	120.72	120.72	0.00	120.72	120.72	0.00

#### Department No. 313 - Veterans' Home - Detail of Conference Committee Changes

	Removes Funding for Demolition of Administrator's Old Residence <sup>1</sup>	Removes Funding for Administrator's Housing Allowance <sup>2</sup>	Adds Funding for Resident Workshop Design <sup>3</sup>	Adds Funding to Move Gazebo <sup>4</sup>	Total Conference Committee Changes
Salaries and wages		(\$20,000)			(\$20,000)
Operating expenses			10,000		10,000
Capital assets	(30,000)			75,000	45,000
New Veterans' Home					
Total all funds	(\$30,000)	(\$20,000)	\$10,000	\$75,000	\$35,000
Less estimated income	(30,000)	(20,000)	10,000	75,000	35,000
	\$0	\$0	\$0	\$0	\$0

General fund					
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding from special funds available from donated mineral lease income for the demolition of the administrator's old residence is removed, the same as the Senate version.

<sup>2</sup> This amendment removes \$20,000 of special fund authority included in the executive recommendation for the administrator's housing allowance. The House did not change the executive recommendation, but the Senate transferred the funding from the salaries and wages line item to the operating expenses line item to allow the Veterans' Home to rent a home for the administrator.

<sup>3</sup> Special funds available from donated mineral lease income are provided to hire an architect to design a workshop for the Veterans' Home. The House version did not provide for this project, and the Senate version included \$100,000 from special funds for a workshop.

<sup>4</sup> Special funds available from donated mineral lease income are provided to move the gazebo, the same as the Senate version.

A section is added to create and enact a new section to Chapter 37-15 relating to the Melvin Norgard memorial fund. This section was not provided by the House or the Senate.

#### **House Bill No. 1007 - Department of Veterans' Affairs - Conference Committee Action**

The conference committee added a section to provide for a Legislative Management study of the delivery of services to veterans, including the consistency in training and of the provision of services by county veterans' service officers. This section was not included in the House or the Senate versions.

Engrossed HB 1007 was placed on the Seventh order of business on the calendar.

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

**SEN. KILZER MOVED** that the conference committee report on Engrossed HB 1007 as printed on SJ pages 1580-1582 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1007, as amended, was placed on the Fourteenth order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1007:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; to create and enact a new section to chapter 37-15 of the North Dakota Century Code, relating to a memorial fund; and to provide for legislative management studies.

#### **ROLL CALL**

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

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

**NAYS:** Larsen; Robinson

Engrossed HB 1007, as amended, passed.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1016, as engrossed:** Your conference committee (Sens. Grindberg, Erbele, Warner and Reps. Dosch, Monson, Williams) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1464-1465 and place HB 1016 on the Seventh order.

Engrossed HB 1016 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WARNER MOVED** that the conference committee report on Engrossed HB 1016 as printed on SJ page 1583 be adopted, which motion prevailed on a voice vote.

**MOTION**

**SEN. CHRISTMANN MOVED** that Sen. Dotzenrod replace Sen. Triplett for the Seventy-second legislative day on the Conference Committee on HB 1047, which motion prevailed on a voice vote.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Kreidt to replace Rep. Bellow on the Conference Committee on HB 1004.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Pollert to replace Rep. Bellow on the Conference Committee on HB 1025.

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

**MR. SPEAKER:** The President has appointed Sen. Dotzenrod to replace Sen. Triplett for the Seventy-second legislative day on the Conference Committee on HB 1047.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1016.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2161, SB 2298.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1002, HB 1007, HB 1046.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2003, SB 2369.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1199, HB 1252.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2005, SB 2268.

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

**MR. SPEAKER:** The President has signed: HB 1005, HB 1019, HB 1041, HB 1174, HB 1269.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on April 19, 2011, I have signed the following: SB 2062, SB 2066, SB 2068, SB 2089, SB 2091, SB 2099, SB 2100, SB 2116, SB 2172, SB 2186, SB 2208, SB 2214, SB 2234, SB 2280, SB 2352, and SB 2366.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, and

Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Thursday, April 21, 2011, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2012, as engrossed:** Your conference committee (Sens. Kilzer, Fischer, Warner and Reps. Pollert, Bellew, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1204-1214, adopt amendments as follows, and place SB 2012 on the Seventh order:

That the House recede from its amendments as printed on pages 1204-1214 of the Senate Journal and pages 1371-1381 of the House Journal and that Engrossed Senate Bill No. 2012 be amended as follows:

Page 1, line 2, remove "to amend and"

Page 1, remove line 3

Page 1, line 4, replace "children's health insurance program" with "to provide for a legislative management study"

Page 1, replace lines 16 through 21 with:

"Salaries and wages	\$14,231,353	\$2,226,715	\$16,458,068
Operating expenses	46,548,787	15,735,631	62,284,418
Capital assets	<u>0</u>	<u>138,400</u>	<u>138,400</u>
Total all funds	\$60,780,140	\$18,100,746	\$78,880,886
Less estimated income	<u>34,477,817</u>	<u>13,285,595</u>	<u>47,763,412</u>
Total general fund	\$26,302,323	\$4,815,151	\$31,117,474"

Page 2, replace lines 3 through 10 with:

"Salaries and wages	\$41,389,716	\$8,330,668	\$49,720,384
Operating expenses	75,461,417	16,961,863	92,423,280
Capital assets	8,580	(8,580)	0
Grants	452,990,742	34,015,295	487,006,037
Grants - Medical assistance	<u>1,300,642,323</u>	<u>300,182,682</u>	<u>1,600,825,005</u>
Total all funds	\$1,870,492,778	\$359,481,928	\$2,229,974,706
Less estimated income	<u>1,381,801,240</u>	<u>115,058,125</u>	<u>1,496,859,365</u>
Total general fund	\$488,691,538	\$244,423,803	\$733,115,341"

Page 2, replace lines 15 through 27 with:

"Northwest human service center	\$8,452,001	\$222,567	\$8,674,568
North central human service center	19,208,018	1,694,208	20,902,226
Lake region human service center	10,886,645	357,661	11,244,306
Northeast human service center	25,768,431	2,321,019	28,089,450
Southeast human service center	30,139,636	7,868,498	38,008,134
South central human service center	15,567,495	1,291,516	16,859,011

West central human service center	24,683,076	1,669,367	26,352,443
Badlands human service center	10,857,338	850,716	11,708,054
State hospital	65,641,609	7,581,591	73,223,200
Developmental center	<u>52,939,281</u>	<u>(1,130,034)</u>	<u>51,809,247</u>
Total all funds	\$264,143,530	\$22,727,109	\$286,870,639
Less estimated income	<u>132,787,875</u>	<u>(7,198,220)</u>	<u>125,589,655</u>
Total general fund	\$131,355,655	\$29,925,329	\$161,280,984"

Page 3, replace lines 3 through 6 with:

"Grand total general fund	\$646,349,516	\$279,164,283	\$925,513,799
Grand total special funds	<u>1,549,066,932</u>	<u>121,145,500</u>	<u>1,670,212,432</u>
Grand total all funds	\$2,195,416,448	\$400,309,783	\$2,595,726,231
Full-time equivalent positions	2,216.88	(27.53)	2,189.35"

Page 3, after line 15, insert:

"Supplemental payment	0	400,000"
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Page 3, replace lines 17 through 20 with:

"State hospital capital projects	<u>0</u>	<u>1,800,000</u>
Total all funds	\$92,329,503	\$2,719,175
Less estimated income	<u>88,033,205</u>	<u>919,175</u>
Total general fund	\$4,296,298	\$1,800,000"

Page 4, remove lines 9 through 30

Page 5, replace lines 1 through 23 with:

**"SECTION 5. GENERAL FUND TRANSFER TO BUDGET STABILIZATION FUND - EXCEPTION - USE OF GENERAL FUND AMOUNTS.** Notwithstanding section 54-27.2-02, the state treasurer and the office of management and budget may not include in the amount used to determine general fund transfers to the budget stabilization fund at the end of the 2009-11 biennium under chapter 54-27.2 any general fund amounts resulting from the increased federal share of medical assistance payments resulting from federal medical assistance percentage changes under the American Recovery and Reinvestment Act of 2009 and H.R. 1586. The state treasurer and the office of management and budget shall separately account for these amounts resulting from federal medical assistance percentage changes under the American Recovery and Reinvestment Act of 2009 and H.R. 1586 and use these amounts to defray the expenses of continuing program costs of the department of human services from the general fund, for the biennium beginning July 1, 2011, and ending June 30, 2013, including \$23,451,104 for inflationary increases for human services providers.

**SECTION 6. REPORT ON THE DEMENTIA CARE SERVICES PROGRAM.**

During the 2011-12 interim, the department of human services shall periodically report to the legislative management regarding the status of the dementia care services program. The reports must include information on budgeted and actual program expenditures, program services, and program outcomes.

**SECTION 7. RISK BEHAVIOR PREVENTION GRANTS - MATCHING REQUIREMENTS.** The department of human services shall use \$250,000 of federal funding appropriated in subdivision 2 of section 1 of this Act for the mental health and substance abuse division for providing grants to support a statewide school and community-based youth network dedicated to implementing risk behavior prevention efforts, for the biennium beginning July 1, 2011, and ending June 30, 2013. The department shall require an entity receiving a grant under this section to provide \$1 of matching funds for each \$1 of state funds provided.

**SECTION 8. LEGISLATIVE INTENT - DEVELOPMENTAL DISABILITIES GRANTS.** It is the intent of the legislative assembly that the department of human services use any anticipated unexpended appropriation authority relating to developmental disabilities grants resulting from caseload or cost changes during the 2011-13 biennium for costs associated with transitioning individuals from the developmental center to communities during the 2011-13 biennium.

**SECTION 9. LEGISLATIVE MANAGEMENT STUDY - QUALIFIED SERVICE PROVIDER SYSTEM.** During the 2011-12 interim, the legislative management shall consider studying and evaluating the state's qualified service provider system. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

**SECTION 10. SUPPLEMENTAL PAYMENT - HEALTH CARE TRUST FUND.** The grants - medical assistance line item in subdivision 2 of section 1 of this Act includes \$400,000 from the health care trust fund which the department shall provide as a one-time grant, for the biennium beginning July 1, 2011, and ending June 30, 2013. The department shall provide a grant of \$200,000 to the government nursing facility that participated in the intergovernmental transfer payment program in a city with a population of more than six hundred according to the 2000 census and a grant of \$200,000 to the hospital in a city with a population of less than five hundred according to the 2000 census which also has a government nursing facility that participated in the intergovernmental transfer payment program."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
DHS - Management						
Total all funds	\$79,059,874	\$79,059,874	(\$178,988)	\$78,880,886	\$78,880,886	\$0
Less estimated income	47,538,412	47,538,412	225,000	47,763,412	47,763,412	0
General fund	\$31,521,462	\$31,521,462	(\$403,988)	\$31,117,474	\$31,117,474	\$0
DHS - Program/Policy						
Total all funds	\$2,241,950,229	\$2,255,138,635	(\$25,163,929)	\$2,229,974,706	\$2,190,288,567	\$39,686,139
Less estimated income	1,510,481,136	1,518,090,686	(21,231,321)	1,496,859,365	1,474,622,151	22,237,214
General fund	\$731,469,093	\$737,047,949	(\$3,932,608)	\$733,115,341	\$715,666,416	\$17,448,925
DHS - State Hospital						
Total all funds	\$73,473,200	\$73,635,040	(\$411,840)	\$73,223,200	\$73,223,200	\$0
Less estimated income	20,146,403	20,146,403	0	20,146,403	20,146,403	0
General fund	\$53,326,797	\$53,488,637	(\$411,840)	\$53,076,797	\$53,076,797	\$0
DHS - Developmental Center						
Total all funds	\$51,809,247	\$51,809,247	\$0	\$51,809,247	\$51,809,247	\$0
Less estimated income	31,391,817	31,391,817	0	31,391,817	31,391,817	0
General fund	\$20,417,430	\$20,417,430	\$0	\$20,417,430	\$20,417,430	\$0
DHS - Northwest HSC						
Total all funds	\$8,749,068	\$8,749,068	(\$74,500)	\$8,674,568	\$8,674,568	\$0
Less estimated income	3,790,236	3,790,236	0	3,790,236	3,790,236	0
General fund	\$4,958,832	\$4,958,832	(\$74,500)	\$4,884,332	\$4,884,332	\$0
DHS - North Central HSC						
Total all funds	\$22,433,884	\$22,433,884	(\$1,531,658)	\$20,902,226	\$20,902,226	\$0
Less estimated income	9,023,857	9,023,857	0	9,023,857	9,023,857	0
General fund	\$13,410,027	\$13,410,027	(\$1,531,658)	\$11,878,369	\$11,878,369	\$0

DHS - Lake Region HSC						
Total all funds	\$11,418,231	\$11,418,231	(\$173,925)	\$11,244,306	\$11,244,306	\$0
Less estimated income	4,536,041	4,536,041	(52,047)	4,483,994	4,483,994	0
General fund	\$6,882,190	\$6,882,190	(\$121,878)	\$6,760,312	\$6,760,312	\$0
DHS - Northeast HSC						
Total all funds	\$28,182,609	\$28,182,609	(\$93,159)	\$28,089,450	\$28,089,450	\$0
Less estimated income	14,972,886	14,972,886	0	14,972,886	14,972,886	0
General fund	\$13,209,723	\$13,209,723	(\$93,159)	\$13,116,564	\$13,116,564	\$0
DHS - Southeast HSC						
Total all funds	\$38,464,720	\$38,464,720	(\$456,586)	\$38,008,134	\$38,008,134	\$0
Less estimated income	16,278,987	16,278,987	0	16,278,987	16,278,987	0
General fund	\$22,185,733	\$22,185,733	(\$456,586)	\$21,729,147	\$21,729,147	\$0
DHS - South Central HSC						
Total all funds	\$16,953,699	\$16,953,699	(\$94,688)	\$16,859,011	\$16,859,011	\$0
Less estimated income	7,610,152	7,610,152	0	7,610,152	7,610,152	0
General fund	\$9,343,547	\$9,343,547	(\$94,688)	\$9,248,859	\$9,248,859	\$0
DHS - West Central HSC						
Total all funds	\$26,740,493	\$26,740,493	(\$388,050)	\$26,352,443	\$26,352,443	\$0
Less estimated income	12,630,961	12,630,961	0	12,630,961	12,630,961	0
General fund	\$14,109,532	\$14,109,532	(\$388,050)	\$13,721,482	\$13,721,482	\$0
DHS - Badlands HSC						
Total all funds	\$11,789,654	\$11,789,654	(\$81,600)	\$11,708,054	\$11,708,054	\$0
Less estimated income	5,260,362	5,260,362	0	5,260,362	5,260,362	0
General fund	\$6,529,292	\$6,529,292	(\$81,600)	\$6,447,692	\$6,447,692	\$0
Bill total						
Total all funds	\$2,611,024,908	\$2,624,375,154	(\$28,648,923)	\$2,595,726,231	\$2,556,040,092	\$39,686,139
Less estimated income	1,683,661,250	1,691,270,800	(21,058,368)	1,670,212,432	1,647,975,218	22,237,214
General fund	\$927,363,658	\$933,104,354	(\$7,590,555)	\$925,513,799	\$908,064,874	\$17,448,925

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

	Executive Budget	Senate Version	Conference Committee Changes <sup>1</sup>	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$16,513,336	\$16,513,336	(\$55,268)	\$16,458,068	\$16,458,068	
Operating expenses	62,408,138	62,408,138	(123,720)	62,284,418	62,284,418	
Capital assets	138,400	138,400		138,400	138,400	
Total all funds	\$79,059,874	\$79,059,874	(\$178,988)	\$78,880,886	\$78,880,886	\$0
Less estimated income	47,538,412	47,538,412	225,000	47,763,412	47,763,412	0
General fund	\$31,521,462	\$31,521,462	(\$403,988)	\$31,117,474	\$31,117,474	\$0
FTE	116.10	116.10	0.00	116.10	116.10	0.00

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MANAGEMENT SUBDIVISION	FTE	General Fund	Estimated Income	Total
Senate version	116.10	\$31,521,462	\$47,538,412	\$79,059,874
<b>Management - Conference committee changes:</b>				
<b>Administration - Support</b>				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)		(\$31,930)	\$0	(\$31,930)
Reduce funding for operating expenses (departmentwide reduction) (This adjustment was also made by the House.)		(16,275)	0	(16,275)
Reduce funding for operating expenses (division-specific reduction) (This adjustment was also made by the House.)		(102,300)	0	(102,300)
<b>Information Technology Services</b>				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)		(23,338)	0	(23,338)

Reduce funding for operating expenses (departmentwide reduction) (This adjustment was also made by the House.)	(134,672)	0	(134,672)
Reduce funding for operating expenses (division-specific reduction) (This adjustment was also made by the House.)	(120,473)	0	(120,473)
Add funding for activities relating to the eligibility system replacement project (This adjustment was also made by the House.)	25,000	225,000	250,000
<b>Total conference committee changes - Management</b>	<u>0.00</u>	<u>(\$403,988)</u>	<u>\$225,000</u> <u>(\$178,988)</u>
Conference committee version - Management subdivision	<u>116.10</u>	<u>\$31,117,474</u>	<u>\$47,763,412</u> <u>\$78,880,886</u>

**Other changes affecting Management programs or multiple programs of the department:**

Removes Section 6 of the engrossed bill relating to office space lease limitation. This section was added by the Senate and also removed by the House.

Does not include a section relating to a study of the human services delivery system which was added by the House.

Does not include a section relating to a Legislative Management study of patient-centered medical homes.

Adds a section providing for a report to the Legislative Management on the dementia care services program. This section was also added by the House.

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

	<b>Executive Budget</b>	<b>Senate Version</b>	<b>Conference Committee Changes<sup>1</sup></b>	<b>Conference Committee Version</b>	<b>House Version</b>	<b>Comparison to House</b>
Salaries and wages	\$50,346,211	\$50,346,211	(\$625,827)	\$49,720,384	\$49,720,384	
Operating expenses	90,850,363	90,850,363	1,572,917	92,423,280	92,423,280	
Grants	487,016,037	487,006,037		487,006,037	487,006,037	
Grants - Medical assistance	<u>1,613,737,618</u>	<u>1,626,936,024</u>	<u>(26,111,019)</u>	<u>1,600,825,005</u>	<u>1,561,138,866</u>	<u>39,686,139</u>
Total all funds	\$2,241,950,229	\$2,255,138,635	(\$25,163,929)	\$2,229,974,706	\$2,190,288,567	\$39,686,139
Less estimated income	<u>1,510,481,136</u>	<u>1,518,090,686</u>	<u>(21,231,321)</u>	<u>1,496,859,365</u>	<u>1,474,622,151</u>	<u>22,237,214</u>
General fund	\$731,469,093	\$737,047,949	(\$3,932,608)	\$733,115,341	\$715,666,416	\$17,448,925
FTE	374.50	374.50	(7.00)	367.50	367.50	0.00

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<b>PROGRAM AND POLICY SUBDIVISION</b>	<b>FTE</b>	<b>General Fund</b>	<b>Estimated Income</b>	<b>Total</b>
Senate version	<u>374.50</u>	<u>\$737,047,949</u>	<u>\$1,518,090,686</u>	<u>\$2,255,138,635</u>
<b>Program and Policy - Conference committee changes:</b>				
<b>Economic Assistance Policy Program</b>				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)		(\$12,054)	\$0	(\$12,054)
Remove position and funding added in the executive budget relating to health care reform (This adjustment was also made by the House.)	(1.00)	(17,805)	0	(17,805)
<b>Child Support Program</b>				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)		(36,574)	0	(36,574)
Remove position and funding added in the executive budget relating to health care reform (This adjustment was also made by the House.)	(1.00)	(62,714)	(121,742)	(184,456)

**Medical Services Program**

Reduce funding for salaries and wages for anticipated savings from vacant positions care reform (This adjustment was also made by the House.)	(24,105)	0	(24,105)
Reduce funding for operating expenses (departmentwide reduction) (This adjustment was also made by the House.)	(180,116)	0	(180,116)
Remove funding added by the Senate to increase eligibility for the state children's health insurance program from 160 percent of the federal poverty level to 175 percent of the federal poverty level (This adjustment was also made by the House.)	(567,367)	(1,266,990)	(1,834,357)
Reduce funding for the state children's health insurance program to reflect a revised premium amount (This adjustment was also made by the House.)	(42,989)	(95,928)	(138,917)
Remove positions and funding added in the executive budget relating to health care reform (This adjustment was also made by the House.)	(5.00)	(144,988)	(183,846)
Decrease funding for medical services to reduce projected caseload/utilization rates (This adjustment was also made by the House.)	(2,739,780)	(3,460,220)	(6,200,000)
Remove funding included in the executive budget for 3 percent per year inflationary adjustments for physicians (This adjustment was also made by the House.)	(2,065,704)	(2,634,500)	(4,700,204)
Add one-time funding from the health care trust fund for a grant to a hospital in a city that has a government nursing facility which participated in the intergovernmental transfer payment program (This adjustment was also made by the House.)	0	200,000	200,000

**Long-Term Care Program**

Remove funding added by the Senate to provide for a supplemental payment to allow for a 50-cent salary and benefit increase for developmental disabilities providers employees beginning July 1, 2011 (This adjustment was also made by the House.)	(5,021,489)	(6,342,560)	(11,364,049)
Add funding for long-term care program expenditures. The executive budget allowed the department to continue unspent general fund appropriations for the 2009-11 biennium and utilize unexpended funding in the 2011-13 biennium. This amendment removes Section 5 of the engrossed bill relating to the carryover of general fund authority, requires the department to turn back any unexpended general fund authority from the 2009-11 biennium, and appropriates funds from the general fund for the 2011-13 biennium. (This adjustment was also made by the House.)	12,800,000	0	12,800,000
Add funding for House Bill No. 1169 which relates to allowable education expenditures in nursing facility rates (This adjustment was also made by the House.)	56,423	70,085	126,508
Decrease funding for long-term care to reduce projected caseload/utilization rates (This adjustment was also made by the House.)	(6,716,880)	(8,483,120)	(15,200,000)
Add one-time funding from the health care trust fund for a grant to a government nursing facility which participated in the intergovernmental transfer payment program	0	200,000	200,000

**Aging Services Program**

Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)	(5,263)	0	(5,263)
Reduce funding for operating expenses (departmentwide reduction) (This adjustment	(17,231)	0	(17,231)

was also made by the House.)

**Children and Family Services Program**

Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)	(5,697)	0	(5,697)
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**Mental Health and Substance Abuse Program**

Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)	(6,240)	0	(6,240)
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Reduce funding for operating expenses (departmentwide reduction) (This adjustment was also made by the House.)	(26,706)	0	(26,706)
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**Developmental Disabilities Council**

No changes	0	0	0
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**Developmental Disabilities Division**

Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)	(2,804)	0	(2,804)
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Add funding for expenses associated with implementing the developmental disabilities system reimbursement project provided for in Senate Bill No. 2043 (This adjustment was also made by the House.)	887,500	887,500	1,775,000
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Increase funding for petitioning costs for indigent people with developmental disabilities (This adjustment was also made by the House.)	21,970	0	21,970
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**Vocational Rehabilitation**

Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)	(1,995)	0	(1,995)
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<b>Total conference committee changes - Program and Policy</b>	(7.00)	(\$3,932,608)	(\$21,231,321)	(\$25,163,929)
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Conference committee version - Program and Policy subdivision	367.50	\$733,115,341	\$1,496,859,365	\$2,229,974,706
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**Other changes affecting Program and Policy programs:**

Add a section to provide that the department utilize \$250,000 of federal funds appropriated to the Mental Health and Substance Abuse Division for grants to support a statewide school and community-based youth network dedicated to implementing risk behavior prevention efforts (This section was also added by the House.)

Add a section to provide legislative intent regarding developmental disabilities grants (This section was also added by the House.)

Add a section to provide for a Legislative Management study of the state's qualified service provider system (This section was also added by the House.)

**Senate Bill No. 2012 - DHS - State Hospital - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes <sup>1</sup>	Conference Committee Version	House Version	Comparison to House
State Hospital	\$73,473,200	\$73,635,040	(\$411,840)	\$73,223,200	\$73,223,200	
Total all funds	\$73,473,200	\$73,635,040	(\$411,840)	\$73,223,200	\$73,223,200	\$0
Less estimated income	20,146,403	20,146,403	0	20,146,403	20,146,403	0
General fund	\$53,326,797	\$53,488,637	(\$411,840)	\$53,076,797	\$53,076,797	\$0
FTE	467.51	467.51	0.00	467.51	467.51	0.00

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<b>STATE HOSPITAL</b>	<b>FTE</b>	<b>General Fund</b>	<b>Estimated Income</b>	<b>Total</b>
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Senate version	467.51	\$53,488,637	\$20,146,403	\$73,635,040
<b>State Hospital - Conference committee changes:</b>				
Remove funding added by the Senate for one-time capital projects. The Senate had added \$161,840 from the general fund to provide a total of \$1,961,840 from the general fund for one-time capital projects. (This adjustment was also made by the House.)		(\$161,840)	\$0	(\$161,840)
Reduce funding for operating expenses (division-specific reduction) (This adjustment was also made by the House.)		(250,000)	0	(250,000)
<b>Total conference committee changes - State Hospital</b>	<b>0.00</b>	<b>(\$411,840)</b>	<b>\$0</b>	<b>(\$411,840)</b>
Conference committee version - State Hospital	467.51	\$53,076,797	\$20,146,403	\$73,223,200

### Senate Bill No. 2012 - DHS - Developmental Center - Conference Committee Action

The conference committee did not make any changes to the Senate version.

### Senate Bill No. 2012 - Human Service Centers - General Fund Summary

	Executive Budget	Senate Version	Conference Committee Changes <sup>1</sup>	Conference Committee Version	House Version	Comparison to House
DHS - Northwest HSC	4,958,832	4,958,832	(74,500)	4,884,332	4,884,332	
DHS - North Central HSC	13,410,027	13,410,027	(1,531,658)	11,878,369	11,878,369	
DHS - Lake Region HSC	6,882,190	6,882,190	(121,878)	6,760,312	6,760,312	
DHS - Northeast HSC	13,209,723	13,209,723	(93,159)	13,116,564	13,116,564	
DHS - Southeast HSC	22,185,733	22,185,733	(456,586)	21,729,147	21,729,147	
DHS - South Central HSC	9,343,547	9,343,547	(94,688)	9,248,859	9,248,859	
DHS - West Central HSC	14,109,532	14,109,532	(388,050)	13,721,482	13,721,482	
DHS - Badlands HSC	6,529,292	6,529,292	(81,600)	6,447,692	6,447,692	
Total general fund	\$90,628,876	\$90,628,876	(\$2,842,119)	\$87,786,757	\$87,786,757	

### Senate Bill No. 2012 - Human Service Centers - Other Funds Summary

	Executive Budget	Senate Version	Conference Committee Changes <sup>1</sup>	Conference Committee Version	House Version	Comparison to House
DHS - Northwest HSC	3,790,236	3,790,236		3,790,236	3,790,236	
DHS - North Central HSC	9,023,857	9,023,857		9,023,857	9,023,857	
DHS - Lake Region HSC	4,536,041	4,536,041	(52,047)	4,483,994	4,483,994	
DHS - Northeast HSC	14,972,886	14,972,886		14,972,886	14,972,886	
DHS - Southeast HSC	16,278,987	16,278,987		16,278,987	16,278,987	
DHS - South Central HSC	7,610,152	7,610,152		7,610,152	7,610,152	
DHS - West Central HSC	12,630,961	12,630,961		12,630,961	12,630,961	
DHS - Badlands HSC	5,260,362	5,260,362		5,260,362	5,260,362	
Total other funds	\$74,103,482	\$74,103,482	(\$52,047)	\$74,051,435	\$74,051,435	

### Senate Bill No. 2012 - Human Service Centers - All Funds Summary

	Executive Budget	Senate Version	Conference Committee Changes <sup>1</sup>	Conference Committee Version	House Version	Comparison to House
DHS - Northwest HSC	8,749,068	8,749,068	(74,500)	8,674,568	8,674,568	
DHS - North Central HSC	22,433,884	22,433,884	(1,531,658)	20,902,226	20,902,226	
DHS - Lake Region HSC	11,418,231	11,418,231	(173,925)	11,244,306	11,244,306	
DHS - Northeast HSC	28,182,609	28,182,609	(93,159)	28,089,450	28,089,450	
DHS - Southeast HSC	38,464,720	38,464,720	(456,586)	38,008,134	38,008,134	
DHS - South Central HSC	16,953,699	16,953,699	(94,688)	16,859,011	16,859,011	
DHS - West Central HSC	26,740,493	26,740,493	(388,050)	26,352,443	26,352,443	
DHS - Badlands HSC	11,789,654	11,789,654	(81,600)	11,708,054	11,708,054	
Total all funds	\$164,732,358	\$164,732,358	(\$2,894,166)	\$161,838,192	\$161,838,192	
FTE	837.48	837.48	0.00	837.48	837.48	0.00

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<b>NORTHWEST HUMAN SERVICE CENTER</b>				
	<b>FTE</b>	<b>General Fund</b>	<b>Estimated Income</b>	<b>Total</b>
Senate version	45.75	\$4,958,832	\$3,790,236	\$8,749,068
<b>Northwest Human Service Center - Conference committee changes:</b>				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)		(\$74,500)	\$0	(\$74,500)
<b>Total conference committee changes - Northwest Human Service Center</b>	0.00	(\$74,500)	\$0	(\$74,500)
Conference committee version - Northwest Human Service Center	45.75	\$4,884,332	\$3,790,236	\$8,674,568
<b>NORTH CENTRAL HUMAN SERVICE CENTER</b>				
	<b>FTE</b>	<b>General Fund</b>	<b>Estimated Income</b>	<b>Total</b>
Senate version	117.78	\$13,410,027	\$9,023,857	\$22,433,884
<b>North Central Human Service Center - Conference committee changes:</b>				
Remove funding added in the executive budget for contracting for beds in a crisis stabilization unit for the seriously mentally ill (This adjustment was also made by the House.)		(\$1,444,661)	\$0	(\$1,444,661)
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)		(70,740)	0	(70,740)
Reduce funding for operating expenses (departmentwide reduction) (This adjustment was also made by the House.)		(16,257)	0	(16,257)
<b>Total conference committee changes - North Central Human Service Center</b>	0.00	(\$1,531,658)	\$0	(\$1,531,658)
<b>LAKE REGION HUMAN SERVICE CENTER</b>				
	<b>FTE</b>	<b>General Fund</b>	<b>Estimated Income</b>	<b>Total</b>
Senate version	60.00	\$6,882,190	\$4,536,041	\$11,418,231
<b>Lake Region Human Service Center - Conference committee changes:</b>				
Reduce funding for temporary salaries (This adjustment was also made by the House.)		(\$37,930)	(\$52,047)	(\$89,977)
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)		(75,320)	0	(75,320)
Reduce funding for operating expenses (departmentwide reduction) (This adjustment was also made by the House.)		(8,628)	0	(8,628)
<b>Total conference committee changes - Lake Region Human Service Center</b>	0.00	(\$121,878)	(\$52,047)	(\$173,925)
Conference committee version - Lake Region Human Service Center	60.00	\$6,760,312	\$4,483,994	\$11,244,306
<b>NORTHEAST HUMAN SERVICE CENTER</b>				
	<b>FTE</b>	<b>General Fund</b>	<b>Estimated Income</b>	<b>Total</b>
Senate version	138.30	\$13,209,723	\$14,972,886	\$28,182,609
<b>Northeast Human Service Center - Conference committee changes:</b>				
Reduce funding for salaries and wages for anticipated savings from vacant positions		(\$72,720)	\$0	(\$72,720)

and employee turnover (This adjustment was also made by the House.)

Reduce funding for operating expenses (departmentwide reduction) (This adjustment was also made by the House.)	(20,439)	0	(20,439)
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<b>Total conference committee - Northeast Human Service Center</b>	<u>0.00</u>	<u>(\$93,159)</u>	<u>\$0</u>	<u>(\$93,159)</u>
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House version - Northeast Human Service Center	<u>138.30</u>	<u>\$13,116,564</u>	<u>\$14,972,886</u>	<u>\$28,089,450</u>
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**SOUTHEAST HUMAN SERVICE CENTER**

FTE	General Fund	Estimated Income	Total
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Senate version	<u>182.15</u>	<u>\$22,185,733</u>	<u>\$16,278,987</u>	<u>\$38,464,720</u>
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**Southeast Human Service Center - Conference committee changes:**

Remove funding added in the department's base budget for additional staff at the Cooper House (This adjustment was also made by the House.)	(\$350,400)	\$0	(\$350,400)
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Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)	(92,100)	0	(92,100)
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Reduce funding for operating expenses (departmentwide reduction) (This adjustment was also made by the House.)	(14,086)	0	(14,086)
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<b>Total conference committee changes - Southeast Human Service Center</b>	<u>0.00</u>	<u>(\$456,586)</u>	<u>\$0</u>	<u>(\$456,586)</u>
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Conference committee version - Southeast Human Service Center	<u>182.15</u>	<u>\$21,729,147</u>	<u>\$16,278,987</u>	<u>\$38,008,134</u>
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**SOUTH CENTRAL HUMAN SERVICE CENTER**

FTE	General Fund	Estimated Income	Total
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Senate version	<u>85.50</u>	<u>\$9,343,547</u>	<u>\$7,610,152</u>	<u>\$16,953,699</u>
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**South Central Human Service Center - Conference committee changes:**

Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)	(\$84,020)	\$0	(\$84,020)
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Reduce funding for operating expenses (departmentwide reduction) (This adjustment was also made by the House.)	(10,668)	0	(10,668)
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<b>Total conference committee changes - South Central Human Service Center</b>	<u>0.00</u>	<u>(\$94,688)</u>	<u>\$0</u>	<u>(\$94,688)</u>
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Conference committee version - South Central Human Service Center	<u>85.50</u>	<u>\$9,248,859</u>	<u>\$7,610,152</u>	<u>\$16,859,011</u>
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**WEST CENTRAL HUMAN SERVICE CENTER**

FTE	General Fund	Estimated Income	Total
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Senate version	<u>135.30</u>	<u>\$14,109,532</u>	<u>\$12,630,961</u>	<u>\$26,740,493</u>
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**West Central Human Service Center - Conference committee changes:**

Remove funding added in the executive budget for expanding residential adult crisis bed capacity from 10 beds to 14 beds (This adjustment was also made by the House.)	(\$309,128)	\$0	(\$309,128)
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Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)	(61,420)	0	(61,420)
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Reduce funding for operating expenses (departmentwide reduction) (This adjustment was also made by the House.)	(17,502)	0	(17,502)
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<b>Total conference committee changes - West Central Human Service Center</b>	<u>0.00</u>	<u>(\$388,050)</u>	<u>\$0</u>	<u>(\$388,050)</u>
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Conference committee version - West Central Human Service Center	135.30	\$13,721,482	\$12,630,961	\$26,352,443
		<b>General</b>	<b>Estimated</b>	
<b>BADLANDS HUMAN SERVICE CENTER</b>	<b>FTE</b>	<b>Fund</b>	<b>Income</b>	<b>Total</b>
Senate version	72.70	\$6,529,292	\$5,260,362	\$11,789,654
<b>Badlands Human Service Center - Conference committee changes:</b>				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover (This adjustment was also made by the House.)		(\$69,180)	\$0	(\$69,180)
Reduce funding for operating expenses (departmentwide reduction) (This adjustment was also made by the House.)		(12,420)	0	(12,420)
<b>Total conference committee changes - Badlands Human Service Center</b>	<b>0.00</b>	<b>(\$81,600)</b>	<b>\$0</b>	<b>(\$81,600)</b>
Conference committee version - Badlands Human Service Center	72.70	\$6,447,692	\$5,260,362	\$11,708,054

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

#### REPORT OF CONFERENCE COMMITTEE

**HB 1199, as reengrossed:** Your conference committee (Sens. Berry, J. Lee, Mathern and Reps. Pietsch, Anderson, Kilichowski) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1429, adopt amendments as follows, and place HB 1199 on the Seventh order:

That the Senate recede from its amendments as printed on page 1429 of the House Journal and page 857 of the Senate Journal and that Reengrossed House Bill No. 1199 be amended as follows:

Page 1, line 2, after "state" insert "; and to provide an appropriation"

Page 1, after line 14, insert:

**"SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$64,000, or so much of the sum as may be necessary, to the department of human services for the purpose of funding guardianship program enhancements, for the biennium beginning July 1, 2011, and ending June 30, 2013. This funding is to be considered one-time funding and is not considered to be base funding for the 2013-15 biennium."

ReNUMBER accordingly

Reengrossed HB 1199 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1252:** Your conference committee (Sens. Dever, J. Lee, Mathern and Reps. Keiser, Frantsvog, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1155, adopt amendments as follows, and place HB 1252 on the Seventh order:

That the Senate recede from its amendments as printed on page 1155 of the House Journal and page 839 of the Senate Journal and that House Bill No. 1252 be amended as follows:

Page 1, line 7, after the period insert "The membership of the committee must include the chairmen of the house human services committee and the house industry, business and labor committee and the chairmen of the senate human services committee and the senate industry, business and labor committee. If any of those individuals are unwilling or unable to serve, the chairman of the legislative management shall appoint a replacement who is a member of the same legislative chamber as the individual being replaced."

Renumber accordingly

HB 1252 was placed on the Seventh order of business on the calendar.

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

**William R. Horton, Secretary**

