

**JOURNAL OF THE SENATE**

**Sixty-third Legislative Assembly**

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**Bismarck, April 30, 2013**

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

The prayer was offered by Sen. Murphy, District 20.

The roll was called and all members were present.

A quorum was declared by the President.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1250:** Your conference committee (Sens. Miller, Campbell, Triplett and Reps. Belter, Headland, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1802-1813, adopt amendments as follows, and place HB 1250 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1802-1813 of the House Journal and pages 1549-1559 of the Senate Journal and that House Bill No. 1250 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 57-38, subsections 7 and 8 to section 57-38-34, subsection 11 to section 57-38-38, and subsection 16 to section 57-38-40 of the North Dakota Century Code, relating to corporate and individual income tax credits and transition of financial institutions to corporate income tax treatment;"

Page 1, line 1, replace "sections 57-35.3-03, 57-35.3-07," with "subsection 5 of section 11-37-08, subsection 8 of section 40-63-01, subsection 5 of section 40-63-04, section 40-63-06, subsections 3 and 4 of section 40-63-07, subsection 3 of section 57-38-01.3, subsections 1 and 3 of section 57-38-01.26, subsections 5 and 7 of section 57-38-01.32, section"

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

Page 1, line 2, after "1" insert "and subdivisions c, d, and f of subsection 2"

Page 1, line 2, after "57-38-30.3" insert ", and section 57-39.2-26.1"

Page 1, line 2, remove "reduction of

Page 1, line 3, remove "financial institutions tax and"

Page 1, line 3, after "rates" insert "and credits and increased allocations from the state aid distribution fund; to repeal chapter 57-35.3 of the North Dakota Century Code, relating to elimination of the financial institutions tax"

Page 1, remove lines 6 through 23

Page 2, replace lines 1 through 12 with:

**"SECTION 1. AMENDMENT.** Subsection 5 of section 11-37-08 of the North Dakota Century Code is amended and reenacted as follows:

5. Bonds issued by a commerce authority under this section are declared to be issued for an essential public government purpose, and together with interest and income on the bonds, are exempt from all individual and corporate taxes imposed under sections ~~57-35.3-03~~, 57-38-30, and 57-38-30.3.

**SECTION 2. AMENDMENT.** Subsection 8 of section 40-63-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Taxpayer" means an individual, corporation, ~~financial institution~~, or trust subject to the taxes imposed by chapter ~~57-35.3 or 57-38~~ and includes a partnership, subchapter S corporation, limited partnership, limited liability company, or any other passthrough entity.

**SECTION 3. AMENDMENT.** Subsection 5 of section 40-63-04 of the North Dakota Century Code is amended and reenacted as follows:

5. The exemptions provided by this section do not eliminate any duty to file a return or to report income as required under chapter ~~57-35.3 or 57-38~~.

**SECTION 4. AMENDMENT.** Section 40-63-06 of the North Dakota Century Code is amended and reenacted as follows:

**40-63-06. Historic preservation and renovation tax credit.**

A credit against state tax liability as determined under sections ~~57-35.3-03, 57-38-30, and 57-38-30.3~~ is allowed for investments in the historic preservation or renovation of property within the renaissance zone. The amount of the credit is twenty-five percent of the amount invested, up to a maximum of two hundred fifty thousand dollars. The credit may be claimed in the year in which the preservation or renovation is completed. Any excess credit may be carried forward for a period of up to five taxable years.

**SECTION 5. AMENDMENT.** Subsections 3 and 4 of section 40-63-07 of the North Dakota Century Code are amended and reenacted as follows:

3. A renaissance fund organization is exempt from any tax imposed by chapter ~~57-35.3 or 57-38~~. An exemption under this section may be passed through to any shareholder, partner, and owner if the renaissance fund organization is a passthrough entity for tax purposes. A corporation ~~or financial institution~~ entitled to the exemption provided by this subsection shall file required returns and report income to the tax commissioner as required by the provisions of ~~those chapters~~ chapter 57-38 as if the exemption did not exist. If an employer, this subsection does not exempt a renaissance fund organization from complying with the income tax withholding laws.
4. A credit against state tax liability as determined under section ~~57-35.3-03, 57-38-30, or 57-38-30.3~~ is allowed for investments in a renaissance fund organization. The amount of the credit is fifty percent of the amount invested in the renaissance fund organization during the taxable year. Any amount of credit which exceeds a taxpayer's tax liability for the taxable year may be carried forward for up to five taxable years after the taxable year in which the investment was made.

**SECTION 6. AMENDMENT.** Subsection 3 of section 57-38-01.3 of the North Dakota Century Code is amended and reenacted as follows:

3. The sum calculated pursuant to subsection 1 must be reduced by the amount of any net operating loss that is attributable to North Dakota sources, including a net operating loss calculated under chapter 57-35.3 for tax years beginning before January 1, 2013. If the net operating loss that is attributable to North Dakota sources exceeds the sum calculated pursuant to subsection 1, the excess may be carried forward for the same time period that an identical federal net operating loss may be carried forward. If a corporation uses an apportionment formula to determine the amount of income that is attributable to North Dakota, the corporation must use the same formula to determine the amount of net operating loss that is attributable to North Dakota. In addition, no deduction may be taken for a carryforward when determining the amount of net operating loss that is attributable to North Dakota sources.

**SECTION 7. AMENDMENT.** Subsections 1 and 3 of section 57-38-01.26 of the North Dakota Century Code are amended and reenacted as follows:

1. A taxpayer is entitled to a credit against state income tax liability under section 57-38-30 or 57-38-30.3 for an investment made in an angel fund that is a domestic organization created under the laws of this state. The amount of the credit to which a taxpayer is entitled is forty-five percent of the amount remitted by the taxpayer to an angel fund during the taxable year. The aggregate annual credit for which a taxpayer may obtain a tax credit is not more than forty-five thousand dollars. The aggregate lifetime credits under this section that may be obtained by an individual, married couple, passthrough entity and its affiliates, or other taxpayer is ~~one~~five hundred ~~thirty~~ thousand dollars. The investment used to calculate the credit under this section may not be used to calculate any other income tax deduction or credit allowed by law.
  
3. An angel fund must:
  - a. Be a partnership, limited partnership, corporation, limited liability company, limited liability partnership, trust, or estate organized on a for-profit basis which is headquartered in this state.
  - b. Be organized for the purpose of investing in a portfolio of at least three primary sector companies that are early-stage and mid-stage private, nonpublicly traded enterprises with strong growth potential. For purposes of this section, an early-stage entity means an entity with annual revenues of up to two million dollars and a mid-stage entity means an entity with annual revenues over two million dollars not to exceed ten million dollars. ~~Early-stage and mid-stage entities do not include those that have more than twenty-five percent of their revenue from income-producing real estate. Investments in real estate or real estate holding companies are not eligible investments by certified angel funds. Any angel fund certified before January 1, 2013, which has invested in real estate or a real estate holding company is not eligible for recertification.~~
  - c. Consist of at least six accredited investors as defined by securities and exchange commission regulation D, rule 501.
  - d. Not have more than twenty-five percent of its capitalized investment assets owned by an individual investor.
  - e. Have at least five hundred thousand dollars in commitments from accredited investors and that capital must be subject to call to be invested over an unspecified number of years to build a portfolio of investments in enterprises.
  - f. Be member-managed or a manager-managed limited liability company and the investor members or a designated board that includes investor members must make decisions as a group on which enterprises are worthy of investments.
  - g. Be certified as an angel fund that meets the requirements of this section by the department of commerce.
  - h. Be in compliance with the securities laws of this state.
  - i. Within thirty days after the date on which an investment in an angel fund is made, the angel fund shall file with the tax commissioner and provide to the investor completed forms prescribed by the tax commissioner which show as to each investment in the angel fund the following:

- (1) The name, address, and social security number or federal employer identification number of the taxpayer or passthrough entity that made the investment;
  - (2) The dollar amount remitted by the taxpayer or passthrough entity; and
  - (3) The date the payment was received by the angel fund for the investment.
- j. Within thirty days after the end of a calendar year, the angel fund shall file with the tax commissioner a report showing the name and principal place of business of each enterprise in which the angel fund has an investment.

**SECTION 8. AMENDMENT.** Subsections 5 and 7 of section 57-38-01.32 of the North Dakota Century Code are amended and reenacted as follows:

5. The aggregate amount of tax credits allowed to all eligible contributors is limited to fifteen million dollars per biennium. ~~This limitation applies to all contributions for which tax credits are claimed under section 57-35.3-05 and this section.~~
7. To receive the tax credit provided under this section, a taxpayer shall claim the credit on the taxpayer's state income ~~or financial institutions~~ tax return in the manner prescribed by the tax commissioner and file with the return a copy of the form issued by the housing finance agency under subsection 6.

**SECTION 9.** A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

**Financial institutions - Net operating losses - Credit carryovers.**

1. A subchapter S corporation that was a financial institution under chapter 57-35.3 may elect to be treated as a taxable corporation under chapter 57-38. If an election is made under this section, the election:
  - a. Must be made in the form and manner prescribed by the tax commissioner on the return filed for the tax year beginning on January 1, 2013, or the return filed for the short period required under subsection 8 of section 57-38-34; and
  - b. Is binding until the earlier of:
    - (1) The end of the tax year for which the taxpayer reports a tax liability after tax credits; or
    - (2) The beginning of the tax year for which the taxpayer elects to be recognized as a subchapter S corporation under section 57-38-01.4.
2. If an election is made under this section, the following apply:
  - a. A subchapter S corporation may not file a consolidated return.
  - b. Any unused credit carryovers earned by a financial institution under chapter 57-35.3 for tax years beginning before January 1, 2013, may be carried forward in the same number of years the financial institution would have been entitled under chapter 57-35.3.
  - c. Any unused net operating losses incurred by a financial institution under chapter 57-35.3 for tax years beginning before January 1, 2013, may be carried forward for the same number of years the financial institution would have been entitled under chapter 57-35.3."

Page 2, line 19, overstrike "sixty-eight" and insert immediately thereafter "twenty-six"

Page 2, line 23, replace "thirty" with "eighty-seven"

Page 3, line 9, replace "\$50,000" with "\$36,250"

Page 3, line 9, replace "0.90%" with "1.13%"

Page 3, line 10, replace "\$50,000" with "\$36,250"

Page 3, line 10, replace "\$450.00" with "\$410.53"

Page 3, line 10, replace "1.90%" with "2.12%"

Page 3, line 11, replace "\$125,000" with "\$87,850"

Page 3, line 11, replace "\$50,000" with "\$36,250"

Page 3, line 12, replace "\$125,000" with "\$87,850"

Page 3, line 12, replace "\$1,875.00" with "\$1,501.87"

Page 3, line 12, replace "2.90%" with "2.35%"

Page 3, line 13, after "\$174,400" insert "but not over \$183,250"

Page 3, line 13, replace "\$125,000" with "\$87,850"

Page 3, line 14, after "\$174,400" insert "Over \$183,250"

Page 3, line 14, after "3.63%" insert "\$3,741.39 plus 2.72%"

Page 3, line 15, after "\$379,150" insert "but not over \$398,350"

Page 3, line 15, after "\$174,400" insert "of amount over \$183,250"

Page 3, line 16, after "\$379,150" insert "Over \$398,350"

Page 3, line 16, after "3.99%" insert "\$9,597.49 plus 2.99%"

Page 3, line 17, after "\$379,150" insert "of amount over \$398,350"

Page 3, line 20, replace "\$85,000" with "\$60,650"

Page 3, line 20, replace "0.90%" with "1.13%"

Page 3, line 21, replace "\$85,000" with "\$60,650"

Page 3, line 21, replace "\$765.00" with "\$686.86"

Page 3, line 21, replace "1.90%" with "2.12%"

Page 3, line 22, replace "\$210,000" with "\$146,400"

Page 3, line 22, replace "\$85,000" with "\$60,650"

Page 3, line 23, replace "\$210,000" with "\$146,400"

Page 3, line 23, replace "\$3,140.00" with "\$2,500.47"

Page 3, line 23, replace "2.90%" with "2.35%"

Page 3, line 24, after "\$212,300" insert "but not over \$223,050"

Page 3, line 24, replace "\$210,000" with "\$146,400"

Page 3, line 25, after "\$212,300" insert "Over \$223,050"

Page 3, line 25, after "~~3.63%~~" insert "\$4,299.83 plus 2.72%"

Page 3, line 26, after "\$379,450" insert "but not over \$398,350"

Page 3, line 26, after "\$212,300" insert "of amount over \$223,050"

Page 3, line 27, after "\$379,450" insert "Over \$398,350"

Page 3, line 27, after "~~3.99%~~" insert "\$9,072.37 plus 2.99%"

Page 3, line 28, after "\$379,450" insert "of amount over \$398,350"

Page 3, line 31, replace "\$42,500" with "\$30,325"

Page 3, line 31, replace "0.90%" with "1.13%"

Page 4, line 1, replace "\$42,500" with "\$30,325"

Page 4, line 1, replace "\$382.50" with "\$343.43"

Page 4, line 1, replace "1.90%" with "2.12%"

Page 4, line 2, replace "\$105,000" with "\$73,200"

Page 4, line 2, replace "\$42,500" with "\$30,325"

Page 4, line 3, replace "\$105,000" with "\$73,200"

Page 4, line 3, replace "\$1,570.00" with "\$1,250.24"

Page 4, line 3, replace "2.90%" with "2.35%"

Page 4, line 4, after "\$106,450" insert "\$111,525"

Page 4, line 4, replace "\$105,000" with "\$73,200"

Page 4, line 5, after "\$106,450" insert "Over \$111,525"

Page 4, line 5, after "~~3.63%~~" insert "\$2,149.92 plus 2.72%"

Page 4, line 6, after "\$189,575" insert "but not over \$199,175"

Page 4, line 6, after "\$106,450" insert "of amount over \$111,525"

Page 4, line 7, after "\$189,575" insert "Over \$199,175"

Page 4, line 7, after "~~3.99%~~" insert "\$4,536.19 plus 2.99%"

Page 4, line 8, after "\$189,575" insert "of amount over \$199,175"

Page 4, line 11, replace "\$65,000" with "\$48,600"

Page 4, line 11, replace "0.90%" with "1.13%"

Page 4, line 12, replace "\$65,000" with "\$48,600"

Page 4, line 12, replace "\$585.00" with "\$555.40"

Page 4, line 12, replace "1.90%" with "2.12%"

Page 4, line 13, replace "\$180,000" with "\$125,450"

Page 4, line 13, replace "\$65,000" with "\$48,600"

Page 4, line 14, replace "\$180,000" with "\$125,450"

Page 4, line 14, replace "\$2,770.00" with "\$2,175.78"

Page 4, line 14, replace "2.90%" with "2.35%"

Page 4, line 15, after "\$193,350" insert "but not over \$203,150"

Page 4, line 15, replace "\$180,000" with "\$125,450"

Page 4, line 16, after "\$193,350" insert "Over \$203,150"

Page 4, line 16, after "3.63%" insert "\$3,999.79 plus 2.72%"

Page 4, line 17, after "\$379,150" insert "but not over \$398,350"

Page 4, line 17, after "\$193,350" insert "of amount over \$203,150"

Page 4, line 18, after "\$379,150" insert "Over \$398,350"

Page 4, line 18, after "3.99%" insert "\$9,314.11 plus 2.99%"

Page 4, line 19, after "\$379,150" insert "of amount over \$398,350"

Page 4, line 22, replace "\$5,000" with "\$2,450"

Page 4, line 22, replace "0.90%" with "1.13%"

Page 4, line 23, replace "\$5,000" with "\$2,450"

Page 4, line 23, replace "\$45.00" with "\$27.75"

Page 4, line 23, replace "1.90%" with "2.12%"

Page 4, line 24, replace "\$10,000" with "\$5,700"

Page 4, line 24, replace "\$5,000" with "\$2,450"

Page 4, line 25, replace "\$10,000" with "\$5,700"

Page 4, line 25, replace "\$140.00" with "\$96.49"

Page 4, line 25, replace "2.90%" with "2.35%"

Page 4, line 26, after "\$8,300" insert "but not over \$8,750"

Page 4, line 26, replace "\$10,000" with "\$5,700"

Page 4, line 27, after "\$8,300" insert "Over \$8,750"

Page 4, line 27, after "3.63%" insert "\$168.09 plus 2.72%"

Page 4, line 28, after "\$11,350" insert "but not over \$11,950"

Page 4, line 28, after "\$8,300" insert "of amount over \$8,750"

Page 4, line 29, after "\$11,350" insert "Over \$11,950"

Page 4, line 29, after "3.99%" insert "\$255.21 plus 2.99%"

Page 4, line 30, remove the overstrike over "of amount over"

Page 4, line 30, after "\$11,350" insert "\$11,950"

Page 5, after line 26, insert:

**"SECTION 12. AMENDMENT.** Subdivisions c, d, and f of subsection 2 of section 57-38-30.3 of the North Dakota Century Code are amended and reenacted as follows:

- c. Reduced by the amount equal to the earnings that are passed through to a taxpayer in connection with an allocation and apportionment to North Dakota under ~~chapter 57-35.3~~section 9 of this Act.
- d. Reduced by ~~thirty~~forty percent of:
  - (1) The excess of the taxpayer's net long-term capital gain for the taxable year over the net short-term capital loss for that year, as computed for purposes of the Internal Revenue Code of 1986, as amended. The adjustment provided by this subdivision is allowed only to the extent the net long-term capital gain is allocated to this state.
  - (2) ~~The qualified dividend income that is taxed at the same rate as long-term capital gain for federal income tax purposes under Internal Revenue Code provisions in effect on December 31, 2008. Qualified dividends as defined under Internal Revenue Code section 1(h)(11), added by section 302(a) of the Jobs and Growth Tax Relief Reconciliation Act of 2003 [Pub. L. 108-27; 117 Stat. 752; 2 U.S.C. 963 et seq.], but only if taxed at a federal income tax rate that is lower than the regular federal income tax rates applicable to ordinary income. If, for any taxable year, qualified dividends are taxed at the regular federal income tax rates applicable to ordinary income, the reduction allowed under this subdivision is equal to thirty percent of all dividends included in federal taxable income.~~ The adjustment provided by this subdivision is allowed only to the extent the qualified dividend income is allocated to this state.
- f. Increased by an amount equal to the losses that are passed through to a taxpayer in connection with an allocation and apportionment to North Dakota under ~~chapter 57-35.3~~section 9 of this Act.

**SECTION 13.** Subsections 7 and 8 to section 57-38-34 of the North Dakota Century Code are created and enacted as follows:

- 7. For a person that was subject to the tax under chapter 57-35.3 for the calendar year ending December 31, 2012, payment of the tax under this chapter is due six months after the due date of the return as required under this section. The provisions of subdivision a of subsection 1 of section 57-38-45 do not apply to the tax due under this subsection. This subsection applies to the first tax year beginning after December 31, 2012.
- 8. A person that previously reported under chapter 57-35.3 on a calendar year basis and files its federal income tax return on a fiscal year basis must file a short period return for the period beginning January 1, 2013, and ending on the last day of the tax year in calendar year 2013.

**SECTION 14.** Subsection 11 to section 57-38-38 of the North Dakota Century Code is created and enacted as follows:

- 11. This section applies if additional tax would be due under the provisions of chapter 57-35.3 in effect for taxable years beginning before January 1, 2013.

**SECTION 15.** Subsection 16 to section 57-38-40 of the North Dakota Century Code is created and enacted as follows:

16. A person that would have been entitled to a credit or refund under chapter 57-35.3 for a taxable year beginning before January 1, 2013, may file a claim for refund or credit of an overpayment of tax.

**SECTION 16. AMENDMENT.** Section 57-39.2-26.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-39.2-26.1. Allocation of revenues among political subdivisions.**

Notwithstanding any other provision of law, a portion of sales, gross receipts, use, and motor vehicle excise tax collections, equal to ~~forty-three and one-half~~ percent of an amount determined by multiplying the quotient of one percent divided by the general sales tax rate, that was in effect when the taxes were collected, times the net sales, gross receipts, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-39.5, 57-39.6, 57-40.2, and 57-40.3 must be deposited by the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, gross receipts, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. Revenues deposited in the state aid distribution fund are provided as a standing and continuing appropriation and must be allocated as follows:

1. Fifty-three and seven-tenths percent of the revenues must be allocated to counties in the first month after each quarterly period as provided in this subsection.
  - a. Sixty-four percent of the amount must be allocated among the seventeen counties with the greatest population, in the following manner:
    - (1) Thirty-two percent of the amount must be allocated equally among the counties; and
    - (2) The remaining amount must be allocated based upon the proportion each such county's population bears to the total population of all such counties.
  - b. Thirty-six percent of the amount must be allocated among all counties, excluding the seventeen counties with the greatest population, in the following manner:
    - (1) Forty percent of the amount must be allocated equally among the counties; and
    - (2) The remaining amount must be allocated based upon the proportion each such county's population bears to the total population of all such counties.

A county shall deposit all revenues received under this subsection in the county general fund. Each county shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, townships, rural fire protection districts, rural ambulance districts, soil conservation districts, county recreation service districts, county hospital districts, the Garrison Diversion Conservancy District, the southwest water authority, and other taxing districts within the county, excluding school districts, cities, and taxing districts within cities. The share of the county allocation under this subsection to be distributed to a township must be equal to the percentage of the county share of state aid distribution fund allocations that township received during calendar year 1996. The governing boards of the county and township may agree to a different distribution.

2. Forty-six and three-tenths percent of the revenues must be allocated to cities in the first month after each quarterly period based upon the proportion each city's population bears to the total population of all cities.

A city shall deposit all revenues received under this subsection in the city general fund. Each city shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, park districts and other taxing districts within the city, excluding school districts. The share of the city allocation under this subsection to be distributed to a park district must be equal to the percentage of the city share of state aid distribution fund allocations that park district received during calendar year 1996, up to a maximum of thirty percent. The governing boards of the city and park district may agree to a different distribution.

**SECTION 17. REPEAL.** Chapter 57-35.3 of the North Dakota Century Code is repealed."

Page 5, line 27, replace "This" with "Section 17 of this Act is effective for taxable events occurring after June 30, 2014, and the remainder of this"

Renumber accordingly

HB 1250 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 HB 1250 be adopted, which motion prevailed on a voice vote.

HB 1250, as amended, was placed on the Fourteenth order of business.

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

**HB 1250:** A BILL for an Act to create and enact a new section to chapter 57-38, subsections 7 and 8 to section 57-38-34, subsection 11 to section 57-38-38, and subsection 16 to section 57-38-40 of the North Dakota Century Code, relating to corporate and individual income tax credits and transition of financial institutions to corporate income tax treatment; to amend and reenact subsection 5 of section 11-37-08, subsection 8 of section 40-63-01, subsection 5 of section 40-63-04, section 40-63-06, subsections 3 and 4 of section 40-63-07, subsection 3 of section 57-38-01.3, subsections 1 and 3 of section 57-38-01.26, subsections 5 and 7 of section 57-38-01.32, section 57-38-30, subsection 1 and subdivisions c, d, and f of subsection 2 of section 57-38-30.3, and section 57-39.2-26.1 of the North Dakota Century Code, relating to individual and corporation income tax rates and credits and increased allocations from the state aid distribution fund; to repeal chapter 57-35.3 of the North Dakota Century Code, relating to elimination of the financial institutions tax; 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 12 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Berry; Campbell; Carlisle; Larsen; Lee, G.; Luick; Miller; Schaible; Sitte; Unruh; Wanzek

**NAYS:** Anderson; Andrist; Axness; Bowman; Burckhard; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, J.; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schneider; Sinner; Sorvaag; Triplett; Wardner; Warner

HB 1250, as amended, failed.

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#### **MOTION**

**SEN. KLEIN 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.

**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 1258.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: HB 1250.

**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 1422.

**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 2019.

**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 failed to pass: SB 2001.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1007, HB 1009, HB 1011, HB 1017, HB 1452.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 30, 2013: SB 2002, SB 2007, SB 2009.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2018, as engrossed:** Your conference committee (Sens. Grindberg, Holmberg, Robinson and Reps. Martinson, Skarphol, Williams) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1505-1516, adopt amendments as follows, and place SB 2018 on the Seventh order:

That the House recede from its amendments as printed on pages 1505-1516 of the Senate Journal and pages 1617-1628 of the House Journal and that Engrossed Senate Bill No. 2018 be amended as follows:

Page 1, line 2, after the semicolon insert "to provide an appropriation to the department of human services for early childhood service provider grants; to provide an appropriation to Dickinson state university;"

Page 1, line 2, remove "a new chapter to title 6,"

Page 1, line 3, replace "section 54-45.5-10" with "two new sections to chapter 54-60"

Page 1, line 4, remove "a loan guarantee program,"

Page 1, line 4, remove "the energy"

Page 1, line 5, replace "conservation fund" with "an unmanned aircraft systems program"

Page 1, line 6, replace "54-17-07.3, 54-17-40," with "and"

Page 1, line 6, after the seventh comma insert "subdivision d of subsection 5 of section 54-44.7-03, and sections"

Page 1, line 7, after "Code" insert "and section 1 of Senate Bill No. 2218, as approved by the sixty-third legislative assembly"

Page 1, line 8, after the first comma insert "the"

Page 1, line 9, replace "housing finance programs, and the housing incentive fund" with "and workforce development grants to tribally controlled community colleges"

Page 1, line 10, remove "a"

Page 1, line 10, replace "appropriation" with "appropriations"

Page 1, line 10, remove "for an upper great plains"

Page 1, line 11, replace "transportation institute study" with "statements of legislative intent"

Page 1, remove lines 22 through 24

Page 2, replace lines 1 through 14 with:

"Salaries and wages	\$10,858,251	\$1,502,863	\$12,361,114
Accrued leave payments	0	243,767	243,767
Operating expenses	13,876,650	2,059,099	15,935,749
Capital assets	70,018	(60,018)	10,000
Grants	59,977,994	(3,605,044)	56,372,950
Discretionary funds	928,082	0	928,082
Workforce enhancement fund	0	2,000,000	2,000,000
Economic development initiatives	186,846	0	186,846
Flood impact grants/loans	0	18,358,866	18,358,866
Agricultural products utilization commission	2,739,767	500,727	3,240,494
Research North Dakota	0	12,000,000	12,000,000
North Dakota trade office	2,613,400	0	2,613,400
Partner programs	2,022,044	0	2,022,044
Federal fiscal stimulus funds	0	796,770	796,770
Visual North Dakota	0	<u>250,000</u>	<u>250,000</u>
Total all funds	\$93,273,052	\$34,047,030	\$127,320,082
Less estimated income	<u>69,666,470</u>	<u>3,696,552</u>	<u>73,363,022</u>
Total general fund	\$23,606,582	\$30,350,478	\$53,957,060"

Page 2, replace line 25 with:

"Flood impact grants/loans	235,000,000	18,358,866"
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Page 2, remove lines 30 and 31

Page 3, replace lines 1 and 2 with:

"Tourism large infrastructure grants	0	750,000
Visual North Dakota	0	250,000
Innovation grants	0	300,000"

Page 3, replace lines 5 through 7 with:

"Total all funds	\$272,121,750	\$43,455,636
Less estimated income	<u>259,496,750</u>	<u>21,655,636</u>
Total general fund	\$12,625,000	\$21,800,000"

Page 3, after line 11, insert:

**"SECTION 3. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - EARLY CHILDHOOD SERVICE PROVIDER GRANTS.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$400,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing grants to licensed early childhood services providers that provide care for children with disabilities or developmental delays pursuant to section 50-11.1-18, for the biennium beginning July 1, 2013, and ending June 30, 2015. The grants may be used for equipment, renovation of facilities used to provide the services, and staff. The funding provided in this section is considered a one-time funding item.

**SECTION 4. APPROPRIATION - DICKINSON STATE UNIVERSITY - THEODORE ROOSEVELT PRESIDENTIAL LIBRARY.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the

sum of \$6,000,000, or so much of the sum as may be necessary, to Dickinson state university for the purpose of awarding a grant to the Theodore Roosevelt center or the Theodore Roosevelt presidential library for the construction of a Theodore Roosevelt presidential library, for the biennium beginning July 1, 2013, and ending June 30, 2015. Dickinson state university may not use any of the funds appropriated in this section for administrative costs and may not award any of the funds until the grant recipient has raised at least \$3,000,000 from nonstate sources for the project. A grant awarded under this section may be used only for construction costs of the Theodore Roosevelt presidential library. The facility constructed may be used only to house the Theodore Roosevelt presidential library. The funding provided in this section is considered a one-time funding item.

**SECTION 5. CONTINGENT APPROPRIATION - DICKINSON STATE UNIVERSITY - THEODORE ROOSEVELT PRESIDENTIAL LIBRARY.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$6,000,000, or so much of the sum as may be necessary, to Dickinson state university for the purpose of awarding a grant to the Theodore Roosevelt center or the Theodore Roosevelt presidential library for the construction of a Theodore Roosevelt presidential library, for the biennium beginning July 1, 2013, and ending June 30, 2015. The funding provided under this section is available to Dickinson state university only if actual general fund revenues, excluding transfers into the general fund from the strategic investment and improvements fund, the mill and elevator, the lottery, and the gas tax administration, for the period July 1, 2013, through June 30, 2014, exceed estimated general fund revenues, excluding transfers into the general fund from the strategic investment and improvements fund, the mill and elevator, the lottery, and the gas tax administration, for that period by at least five percent, as determined by the office of management and budget, based on the legislative estimates made at the close of the 2013 regular legislative session. Dickinson state university may not use any of the funds appropriated in this section for administrative costs and may not award any of the funds until the grant recipient has raised at least \$3,000,000 from nonstate sources for the project. A grant awarded under this section may be used only for construction costs of the Theodore Roosevelt presidential library. The facility constructed may be used only to house the Theodore Roosevelt presidential library. The funding provided in this section is considered a one-time funding item."

Page 3, line 14, remove "**Continuing**"

Page 3, line 15, remove "**appropriation**"

Page 3, line 18, remove the overstrike over "~~The fund must be used to~~"

Page 3, line 19, remove the overstrike over "~~defray~~"

Page 3, line 19, remove "All moneys in the fund are appropriated to the department of commerce on a continuing"

Page 3, line 20, remove "basis for the purpose of defraying"

Page 4, remove lines 22 through 30

Page 5, remove lines 1 through 30

Page 6, remove lines 25 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 30

Page 9, remove lines 1 through 8

Page 9, replace lines 15 through 21 with:

**"SECTION 12. AMENDMENT.** Subdivision d of subsection 5 of section 54-44.7-03 of the North Dakota Century Code is amended and reenacted as follows:

- d. Location, with higher priority given to firms headquartered in North Dakota.

**SECTION 13.** A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

**Unmanned aircraft systems program - Report to legislative management.**

The department may establish and administer an unmanned aircraft systems test site, contingent upon receiving official designation by the federal aviation administration. The department shall cooperate with the university of North Dakota, the North Dakota aeronautics commission, the adjutant general, and private parties appointed by the governor in the administration of the test site. The department may charge fees sufficient to operate the test site. The department shall, to the extent possible, use competitive bidding in the establishment and administration of the test site. The commissioner may charter a public corporation to operate the test site. The corporation must possess all of the powers of a business corporation consistent with this chapter. The department shall report to the legislative management semiannually on the status of the program.

**SECTION 14.** A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

**Unmanned aircraft systems program fund - Continuing appropriation.**

There is created in the state treasury a special fund known as the unmanned aircraft systems fund, which must be used to defray the expenses of the operations of an unmanned aircraft systems test site officially designated by the federal aviation administration. The fund consists of fees collected for the administration of the test site. All moneys in the fund are appropriated to the department of commerce on a continuing basis for the purpose of defraying the expenses of the unmanned aircraft systems program. Interest earned on moneys in the fund must be credited to the fund."

Page 9, line 30, after "section" insert ", including the requirement that an application must be accompanied by a partnership agreement between the private sector partner and a research university. The agreement must include details regarding the scope of the work, the budget, the location of the work to be completed, the intellectual property ownership rights, and the intellectual property income distribution. The commission may approve changes to the scope of the work or the budget only to the extent that the changes are agreed upon by the private sector partner and the research university"

Page 10, line 18, replace "this chapter" with "the research North Dakota grant program and the research North Dakota venture grant program"

Page 11, after line 29, insert:

**"SECTION 22. AMENDMENT.** Section 1 of Senate Bill No. 2218, as approved by the sixty-third legislative assembly, is amended and reenacted as follows:

**Establishment of workforce development grant for tribally controlled community colleges.**

There is established within the division of workforce development of the department of commerce a program to provide workforce development grants to tribally controlled community colleges in North Dakota. A tribally controlled community college in this state may apply to the department of commerce for a job training grant in such manner as the department of commerce prescribes. ~~In order to qualify for a grant under this section, an applicant must be a tribally controlled community college not located on an Indian reservation or a tribally controlled community college located on an Indian reservation with an unemployment rate of greater than thirty percent.~~ The department of commerce shall consult with the

executive director of the Indian affairs commission to determine eligible tribally controlled community colleges."

Page 12, line 7, replace "The amount" with "Of the \$1,000,000"

Page 12, line 9, after "Laws" insert ", \$700,000"

Page 12, line 10, after the period insert "The department of commerce shall spend these funds for the purposes provided in this section. The department of commerce shall use up to \$300,000 for a grant to a nonprofit organization assisting individuals with business ideas. The department of commerce shall use any remaining amount for the technology-based entrepreneurship grant program."

Page 12, line 18, replace "for" with "during the biennium beginning July 1, 2013, and ending June 30, 2015. The department of commerce shall spend these funds for the purposes provided in this section. The department of commerce shall award a grant of up to \$100,000 for promotion and marketing of the USS North Dakota. The department of commerce shall award"

Page 12, line 19, replace "and" with ". The department of commerce shall award a direct grant and not a cost reimbursement grant"

Page 12, line 22, remove "during the biennium beginning July 1, 2013, and ending June 30, 2015"

Page 13, line 4, after "Dakota" insert "grant"

Page 13, line 4, after "program" insert "and the research North Dakota venture grant program"

Page 13, line 6, after the period insert "The department of commerce shall use \$4,000,000 of the funds transferred to the research North Dakota fund for research North Dakota grants to conduct research on and develop and commercialize vaccines and antibodies for the prevention of, treatment of, or cure for cancer; virally infectious diseases; or other pathogens, including bacteria, mycobacteria, fungi, and parasites."

Page 13, remove lines 7 through 10

Page 13, line 24, after the period insert "The grant program must award direct grants and not cost reimbursement grants."

Page 13, remove lines 26 through 30

Page 14, remove lines 1 and 2

Page 14, line 3, remove "**STRATEGIC INVESTMENT AND IMPROVEMENTS FUND -**"

Page 14, line 7, remove "strategic investment and"

Page 14, line 8, replace "improvements" with "general"

Page 14, after line 9, insert:

**"SECTION 34. INNOVATION GRANT PROGRAM.** The grants line item in section 1 of this Act includes the sum of \$300,000 from the general fund for grants to entrepreneurial centers associated with a research university. The department shall develop guidelines to qualify for a grant under this section, including the requirements that an entrepreneurial center submit a detailed proposal on how the grant funds will be used to further innovation and entrepreneurship in the state and that an entrepreneurial center provide a detailed report of the results. Grants awarded under this section must be divided equally among eligible entrepreneurial centers."

Page 14, remove lines 29 through 31

Page 15, remove lines 1 through 8

Page 15, after line 15, insert:

**"SECTION 39. LEGISLATIVE MANAGEMENT STUDY - INTELLECTUAL PROPERTY AT RESEARCH UNIVERSITIES.** During the 2013-14 interim, the legislative management shall consider studying the intellectual property policies and procedures at research universities within the state. The study must include consideration of the current and potential income generated through the commercialization of intellectual property. The study must include consideration of the best practices related to intellectual property, the federal Bayh-Dole Act, and the federal Patent Reform Act of 2011. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

**SECTION 40. LEGISLATIVE MANAGEMENT STUDY - CHILDREN'S SCIENCE CENTER.** During the 2013-14 interim, the legislative management shall consider studying the development of a children's science center in the city where the state capitol is located. The study must include consideration of the feasibility and desirability of providing state assistance to develop a children's science center. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

**SECTION 41. LEGISLATIVE MANAGEMENT STUDY - ENERGY CORRIDOR.** During the 2013-14 interim, the legislative management shall consider studying the feasibility and desirability of the establishment of an energy corridor in the western portion of the state, including an examination of rights of way and state highway and county road easements necessary for the further development of energy resources in the state, and including the existing and necessary easements required to make United States highway 85 a four-lane highway corridor to complement the development of energy transportation resources. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly."

Page 15, after line 20, insert:

**"SECTION 43. LEGISLATIVE INTENT - THEODORE ROOSEVELT PRESIDENTIAL LIBRARY.** It is the intent of the sixty-third legislative assembly that the Theodore Roosevelt center become an independent nonprofit organization and be renamed the Theodore Roosevelt presidential library."

Page 15, line 24, replace "26 and 32" with "13, 14, 29, and 33"

Page 15, line 24, after "emergency" insert "measure"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2018 - Summary of Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Dickinson State University						
Total all funds	\$0	\$0	\$6,000,000	\$6,000,000	\$9,000,000	(\$3,000,000)
Less estimated income	0	0	0	0	3,000,000	(3,000,000)
General fund	\$0	\$0	\$6,000,000	\$6,000,000	\$6,000,000	\$0
Department of Human Services						
Total all funds	\$0	\$0	\$400,000	\$400,000	\$0	\$400,000
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$400,000	\$400,000	\$0	\$400,000
Housing Finance Agency						

Total all funds	\$0	\$0	\$0	\$0	\$15,000,000	(\$15,000,000)
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$0	\$0	\$15,000,000	(\$15,000,000)
<b>Department of Commerce</b>						
Total all funds	\$124,566,065	\$127,327,563	(\$7,481)	\$127,320,082	\$119,344,393	\$7,975,689
Less estimated income	68,241,034	70,801,179	2,561,843	73,363,022	73,322,613	40,409
General fund	\$56,325,031	\$56,526,384	(\$2,569,324)	\$53,957,060	\$46,021,780	\$7,935,280
<b>Bill total</b>						
Total all funds	\$124,566,065	\$127,327,563	\$6,392,519	\$133,720,082	\$143,344,393	(\$9,624,311)
Less estimated income	68,241,034	70,801,179	2,561,843	73,363,022	76,322,613	(2,959,591)
General fund	\$56,325,031	\$56,526,384	\$3,830,676	\$60,357,060	\$67,021,780	(\$6,664,720)

**Senate Bill No. 2018 - Dickinson State University - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Theodore Roosevelt center			6,000,000	6,000,000	\$9,000,000	(\$3,000,000)
Total all funds	\$0	\$0	\$0	\$0	\$9,000,000	(\$3,000,000)
Less estimated income	0	0	0	0	3,000,000	(3,000,000)
General fund	\$0	\$0	\$6,000,000	\$6,000,000	\$6,000,000	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**Department No. 239 - Dickinson State University - Detail of Conference Committee Changes**

	Adds Funding for a Theodore Roosevelt Presidential Library <sup>1</sup>	Total Conference Committee Changes
Theodore Roosevelt center	6,000,000	6,000,000
Total all funds	\$6,000,000	\$6,000,000
Less estimated income	0	0
General fund	\$6,000,000	\$6,000,000
FTE	0.00	0.00

<sup>1</sup> This amendment adds a new section to provide funding of \$6 million from the general fund to Dickinson State University to award a grant to the Theodore Roosevelt Presidential Library and to require the Theodore Roosevelt Presidential Library to raise at least \$3 million from nonstate sources. The House added a section to provide \$6 million from the general fund and \$3 million from special funds from private gifts and donations for the construction of a Theodore Roosevelt Center.

This amendment also adds two new sections to:

- Provide a transfer of \$6 million from the general fund to the Theodore Roosevelt Presidential Library, contingent upon actual general fund revenues exceeding estimates, excluding transfers, for state fiscal year 2014 by at least 5 percent.
- Provide legislative intent that the Theodore Roosevelt Center become an independent nonprofit organization and that the Theodore Roosevelt Center be renamed the Theodore Roosevelt Presidential Library.

**Senate Bill No. 2018 - Department of Human Services - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Early childhood service provider grants			\$400,000	\$400,000		\$400,000
	\$0	\$0	\$400,000	\$400,000	\$0	\$400,000

Total all funds						
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$400,000	\$400,000	\$0	\$400,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**Department No. 325 - Department of Human Services - Detail of Conference Committee Changes**

	Adds Funding for Early Childhood Service Provider Grants <sup>1</sup>	Total Conference Committee Changes
Early childhood service provider grants	\$400,000	\$400,000
Total all funds	\$400,000	\$400,000
Less estimated income	0	0
General fund	\$400,000	\$400,000
FTE	0.00	0.00

<sup>1</sup> This amendment adds funding of \$400,000 from the general fund to the Department of Human Services for grants to early childhood service providers that serve children with disabilities or developmental delays. The House provided \$400,000 of funding from the housing incentive fund.

**Senate Bill No. 2018 - Housing Finance Agency - Conference Committee Action**

The House added a section to provide a transfer of \$15 million from the general fund to the housing incentive fund which is not included in the conference committee version.

**Senate Bill No. 2018 - Department of Commerce - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$12,396,970	\$12,658,468	(\$297,354)	\$12,361,114	\$12,185,425	\$175,689
Operating expenses	16,434,601	16,434,601	(498,852)	15,935,749	14,935,749	1,000,000
Capital assets	10,000	10,000		10,000	10,000	
Grants	59,147,950	61,647,950	(5,275,000)	56,372,950	55,822,950	550,000
Discretionary funds	928,082	928,082		928,082	928,082	
Workforce enhancement fund	2,000,000	2,000,000		2,000,000	2,000,000	
Economic development initiatives	186,846	186,846		186,846	186,846	
Flood impact grants and loans	11,782,866	11,782,866	6,576,000	18,358,866	18,358,866	
Ag Products Utilization Commission	3,246,536	3,246,536	(6,042)	3,240,494	3,240,494	
Research North Dakota	12,000,000	12,000,000		12,000,000	6,000,000	6,000,000
North Dakota Trade Office	2,613,400	2,613,400		2,613,400	2,613,400	
Partner programs	2,022,044	2,022,044		2,022,044	2,022,044	
Federal fiscal stimulus funds	796,770	796,770		796,770	796,770	
North Dakota planning initiative	1,000,000	1,000,000	(1,000,000)			
Accrued leave payments			243,767	243,767	243,767	
Visual North Dakota			250,000	250,000		250,000
Total all funds	\$124,566,065	\$127,327,563	(\$7,481)	\$127,320,082	\$119,344,393	\$7,975,689
Less estimated income	68,241,034	70,801,179	2,561,843	73,363,022	73,322,613	40,409
General fund	\$56,325,031	\$56,526,384	(\$2,569,324)	\$53,957,060	\$46,021,780	\$7,935,280
FTE	69.25	69.25	0.00	69.25	69.25	0.00

**Department No. 601 - Department of Commerce - Detail of Conference Committee Changes**

Adjusts State Employee Compensation and Benefits	Provides Separate Line Item for Accrued Leave	Reduces Funding for the State Data Center <sup>2</sup>	Removes Funding for UGPTI Transportation	Reduces Funding for InnovateND Program <sup>3</sup>	Removes Funding for Child Care Facility Grants <sup>4</sup>
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	Package <sup>1</sup>	Payments <sup>2</sup>		Study <sup>4</sup>		
Salaries and wages	(\$59,629)	(\$237,725)				
Operating expenses			(98,852)	(350,000)	(50,000)	
Capital assets						
Grants						(5,000,000)
Discretionary funds						
Workforce enhancement fund						
Economic development initiatives						
Flood impact grants and loans						
Ag Products Utilization		(6,042)				
Commission						
Research North Dakota						
North Dakota Trade Office						
Partner programs						
Federal fiscal stimulus funds						
North Dakota planning initiative						
Accrued leave payments		243,767				
Visual North Dakota						
<b>Total all funds</b>	<b>(\$59,629)</b>	<b>\$0</b>	<b>(\$98,852)</b>	<b>(\$350,000)</b>	<b>(\$50,000)</b>	<b>(\$5,000,000)</b>
Less estimated income	(14,157)	0	0	0	0	0
<b>General fund</b>	<b>(\$45,472)</b>	<b>\$0</b>	<b>(\$98,852)</b>	<b>(\$350,000)</b>	<b>(\$50,000)</b>	<b>(\$5,000,000)</b>
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Reduces Funding for Tourism Large Infrastructure Grants <sup>7</sup>	Adds Funding for Innovation Grants <sup>8</sup>	Changes Funding Source for Unmanned Aircraft System <sup>9</sup>	Adds Funding for Flood Grants and Loans <sup>10</sup>	Removes Funding for North Dakota Planning Initiative <sup>11</sup>	Adds Funding for Visual North Dakota <sup>12</sup>
Salaries and wages						
Operating expenses						
Capital assets						
Grants	(575,000)	300,000				
Discretionary funds						
Workforce enhancement fund						
Economic development initiatives						
Flood impact grants and loans				6,576,000		
Ag Products Utilization						
Commission						
Research North Dakota						
North Dakota Trade Office						
Partner programs						
Federal fiscal stimulus funds						
North Dakota planning initiative					(1,000,000)	
Accrued leave payments						
Visual North Dakota						250,000
<b>Total all funds</b>	<b>(\$575,000)</b>	<b>\$300,000</b>	<b>\$0</b>	<b>\$6,576,000</b>	<b>(\$1,000,000)</b>	<b>\$250,000</b>
Less estimated income	0	0	(4,000,000)	6,576,000	0	0
<b>General fund</b>	<b>(\$575,000)</b>	<b>\$300,000</b>	<b>\$4,000,000</b>	<b>\$0</b>	<b>(\$1,000,000)</b>	<b>\$250,000</b>
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total Conference Committee Changes
Salaries and wages	(\$297,354)
Operating expenses	(498,852)
Capital assets	
Grants	(5,275,000)
Discretionary funds	
Workforce enhancement fund	
Economic development initiatives	
Flood impact grants and loans	6,576,000
Ag Products Utilization	(6,042)
Commission	
Research North Dakota	
North Dakota Trade Office	
Partner programs	
Federal fiscal stimulus funds	
North Dakota planning initiative	(1,000,000)
Accrued leave payments	243,767
Visual North Dakota	250,000
<b>Total all funds</b>	<b>(\$7,481)</b>
Less estimated income	2,561,843
<b>General fund</b>	<b>(\$2,569,324)</b>
FTE	0.00

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<sup>1</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>2</sup> A portion of salaries and wages funding from the general fund (\$187,753) and from other funds (\$56,014) for permanent employees compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>3</sup> This amendment reduces the funding for the State Data Center by \$98,852, from \$498,852 to \$400,000. The executive recommendation and the Senate provided \$498,852, and the House provided \$400,000.

<sup>4</sup> Funding of \$350,000 from the general fund is removed for an Upper Great Plains Transportation Institute study of transportation infrastructure needs. The executive recommendation and the Senate provided \$350,000, and the House removed the funding.

<sup>5</sup> This amendment reduces funding for the InnovateND program by \$50,000, from \$500,000 to \$450,000. The executive recommendation and the Senate provided \$500,000, and the House provided \$450,000.

<sup>6</sup> This amendment removes funding of \$5 million from the general fund for child care facility grants. The executive recommendation and the Senate provided \$5 million, and the House removed this funding.

<sup>7</sup> This amendment reduces the funding for tourism large infrastructure grants by \$575,000 to provide a total of \$750,000. The executive recommendation and the Senate provided \$1,325,000. The House reduced the funding by \$825,000 to provide a total of \$500,000.

<sup>8</sup> Funding of \$300,000 from the general fund for Innovation grants to entrepreneurial centers associated with a research university is added.

<sup>9</sup> The funding source for the \$4 million portion of the unmanned aircraft system grant is changed from the strategic investment and improvements fund to the general fund, which is the same as the House version. The executive recommendation and the Senate provided the strategic investment and improvements fund as the funding source.

<sup>10</sup> Funding of \$6,576,000 of federal funds is added for flood impact grants and loans to provide a total of \$18,358,866, which is the same as the House version. The executive recommendation and the Senate provided \$11,782,866.

<sup>11</sup> Funding of \$1 million for the North Dakota planning initiative is removed, which is the same as the House version. The executive recommendation and the Senate provided \$1 million.

<sup>12</sup> This amendment adds funding of \$250,000 from the general fund for Visual North Dakota for mapping projects.

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This amendment also:

- Removes a section added by the Senate to create a new loan guarantee program

for child care facility loans, which the House also removed.

- Removes the transfer of \$200,000 from Bank of North Dakota profits to a child care facility loan guarantee program added by the Senate, consistent with House action.
- Removes a section providing for a child care facility grant program. The Senate version included this section, but the House removed it.
- Removes a section added by the Senate to expand the Housing Finance Agency programs to include a child care facility finance program, which the House also removed.
- Removes a section amended by the House to provide requirements that the housing incentive fund allow for financing of child care facilities, to provide grants for child care facilities, to provide grants to child care providers that provide services to children with disabilities, and to limit the fund balance to \$30 million. The Senate version provided for a maximum fund balance of \$50 million.
- Adds two new sections to establish an unmanned aircraft systems program administered by the Department of Commerce, to provide for semiannual reports to the Legislative Management, and to create a new continuing appropriation to the Department of Commerce of money in the unmanned aircraft systems program fund, which is the same as the House version.
- Designates \$4 million of Research North Dakota grants for biotechnology. The House added a new section to create a Research North Dakota Biotechnology program.
- Designates up to \$2 million of the funds transferred to the Research North Dakota fund be used for Research North Dakota venture grants.
- Removes a new continuing appropriation to the agricultural fuel tax fund, which is the same as the House version. The executive recommendation and the Senate provided for a new continuing appropriation.
- Removes a section providing a continuing appropriation to the energy conservation grant fund, consistent with House action.
- Adds a new section to amend the agency selection process for contracting with firms that provide architectural and engineering services to give higher priority to North Dakota firms.
- Adds a new section to amend Senate Bill No. 2218 as approved by the 63rd Legislative Assembly to remove requirements that an eligible tribally controlled community college be located on a reservation with an unemployment rate greater than 30 percent.
- Adds a new section to provide requirements for the innovation grant program.
- Changes the exemption for the technology-based entrepreneurship grant program to designate that the Department of Commerce use up to \$300,000 for a grant to the Incubator for Developing Entrepreneurial Activity (IDEA) Center in Bismarck, the same as the House version.
- Changes the exemption for base retention grants to designate that the Department of Commerce use up to \$100,000 for grants to promote the USS North Dakota, the same as the House version.
- Removes a section providing for an Upper Great Plains Transportation Institute transportation study, consistent with House action.
- Adds a new section for a Legislative Management study of intellectual property at research universities, the same as the House version.
- Adds two new sections for Legislative Management studies of an energy corridor and of the development of a children's science center in Bismarck.
- Adds a statement of legislative intent to provide that the Theodore Roosevelt Center become a nonprofit organization and be renamed the Theodore Roosevelt Presidential Library.

- Changes the emergency clause section to include the continuing appropriation for the unmanned aircraft systems program.

Engrossed SB 2018 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2205, as engrossed:** Your conference committee (Sens. J. Lee, Dever, Axness and Reps. Weisz, Kiefert, Oversen) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1209-1210, adopt amendments as follows, and place SB 2205 on the Seventh order:

That the House recede from its amendments as printed on pages 1209 and 1210 of the Senate Journal and pages 1269 and 1270 of the House Journal and that Engrossed Senate Bill No. 2205 be amended as follows:

Page 1, line 5, replace "\$233,979" with "\$285,000"

Page 1, line 7, after "services" insert "that include suicide prevention services"

Renumber accordingly

Engrossed SB 2205 was placed on the Seventh order of business on the calendar.

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

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

**HB 1258:** Reps. Dosch; Skarphol; Williams

#### CORRECTION AND REVISION OF THE JOURNAL

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** recommends that the Journal of the Thirty-eighth, Seventy-third, and Seventy-fourth Days be corrected as follows and when so corrected, recommends that it be approved:

Page 648, line 27, remove ", the emergency clause failed,"

Page 1749, line 12, insert "Engrossed" before "SB 2298"

Page 1749, line 14, insert "Engrossed" before "SB 2298"

Page 1804, delete line 39 through line 53 on page 1823

Page 1836, line 17, delete "HB 1005,"

Page 1836, after line 26, insert:

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1005."

**SEN. ANDRIST MOVED** that the report be adopted, which motion prevailed.

#### MOTION

**SEN. KLEIN MOVED** that SB 2032 be returned to the Senate floor from the **Education Conference Committee**, which motion prevailed.

#### MOTION

**SEN. FLAKOLL MOVED** that the Senate reconsider its action whereby it failed to concur in the House amendments to SB 2032, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. FLAKOLL MOVED** that the Senate Conference Committee on Engrossed SB 2032 be dissolved, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do concur in the House amendments to Engrossed SB 2032, which motion prevailed on a voice vote.

Engrossed SB 2032, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2032:** A BILL for an Act to amend and reenact section 15-10-14.2 of the North Dakota Century Code, relating to a performance and accountability report by the state board of higher education; and to provide for a performance audit.

**ROLL CALL**

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

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

Reengrossed SB 2032 failed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. GRINDBERG MOVED** that the conference committee report on Engrossed SB 2018 as printed on SJ pages 1766-1768 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2018, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2018:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to provide an appropriation to the department of human services for early childhood service provider grants; to provide an appropriation to Dickinson state university; to create and enact a new section to chapter 10-30.5, two new sections to chapter 54-60, and three new sections to chapter 54-65 of the North Dakota Century Code, relating to the research North Dakota venture program, an unmanned aircraft systems program, and the research North Dakota program; to amend and reenact sections 4-14.1-02, 4-14.1-03, 4-44-03, 17-02-05, and 54-18-21, subdivision d of subsection 5 of section 54-44.7-03, and sections 57-43.1-03, 57-43.1-03.1, 57-43.1-03.3, and 57-43.1-08 of the North Dakota Century Code and section 1 of Senate Bill No. 2218, as approved by the sixty-third legislative assembly, relating to the agricultural fuel tax fund, the ethanol production incentive fund, the agricultural research fund, and workforce development grants to tribally controlled community colleges; to provide exemptions; to provide for transfers; to provide continuing appropriations; to provide statements of legislative intent; to provide for legislative management studies; 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Miller

Reengrossed SB 2018 passed and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. J. LEE MOVED** that the conference committee report on Engrossed SB 2205 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2205, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2205:** A BILL for an Act to provide an appropriation to the department of human services for providing a grant for administering 2-1-1 services.

**ROLL CALL**

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

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

Reengrossed SB 2205 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ANDERSON MOVED** that the conference committee report on Engrossed HB 1422 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1422, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1422:** A BILL for an Act to create and enact a new subsection to section 50-11.1-03 and two new sections to chapter 50-11.1 of the North Dakota Century Code, relating to staffing as group sizes for licensed child care; to amend and reenact subsection 9 of section 50-11.1-02 of the North Dakota Century Code, relating to the definition of group child care; to provide an appropriation; to provide a contingent appropriation; to provide legislative intent; to provide a report to the legislative management; to provide for application; 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:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1422, as amended, passed.

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**MOTION**

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

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

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Boe to replace Rep. Williams on the

Conference Committee on HB 1018.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Skarphol to replace Rep. Streytle on the Conference Committee on HB 1018.

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

**MR. SPEAKER:** The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2032 and wishes to inform you that the Senate does now concur with the House amendments to SB 2032 and subsequently failed to pass the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2032.

**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 2205.

**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 1422.

**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 2018.

**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 1018.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1008.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2001, SB 2019, SB 2242.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1001, HB 1020, HB 1261.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on April 30, 2013, I have signed the following: SB 2002, SB 2005, SB 2009, SB 2210, and SB 2233.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2004, as engrossed:** Your conference committee (Sens. Kilzer, Grindberg, Mathern and Reps. Bellew, Kreidt, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1383-1387, adopt amendments as follows, and place SB 2004 on the Seventh order:

That the House recede from its amendments as printed on pages 1383-1387 of the Senate Journal and pages 1463-1466 of the House Journal and that Engrossed Senate Bill No. 2004 be amended as follows:

Page 1, line 2, after the semicolon insert "to amend and reenact section 14-02.1-01 of the North Dakota Century Code as amended in section 1 of Senate Bill No. 2368, as approved by the sixty-third legislative assembly, and the new section to chapter 14-02.1 of the North Dakota Century Code as created by section 3 of Senate Bill No. 2368, as approved by the sixty-third legislative assembly, relating to the state's compelling interest in the unborn human life from the time the unborn child is capable of feeling pain;"

Page 1, line 2, after "repeal" insert "chapter 23-17.5 and"

Page 1, line 2, after the second "to" insert "health care provider cooperative agreements and"

Page 1, line 3, remove "and"

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

Page 1, replace lines 13 through 16 with:

"Salaries and wages	\$49,351,659	\$5,260,119	\$54,611,778
Accrued leave payments	0	2,223,289	2,223,289
Operating expenses	50,272,030	(12,299,016)	37,973,014
Capital assets	1,998,073	226,215	2,224,288
Grants	57,928,038	(1,297,309)	56,630,729"

Page 1, replace lines 20 through 23 with:

"Total all funds	\$189,870,305	(\$5,848,095)	\$184,022,210
Less estimated income	<u>156,956,525</u>	<u>(17,388,091)</u>	<u>139,568,434</u>
Total general fund	\$32,913,780	\$11,539,996	\$44,453,776
Full-time equivalent positions	344.00	9.00	353.00"

Page 2, after line 7, insert:

"Funding to contract for autopsies	0	480,000"
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Page 2, replace lines 10,11, and 12 with:

"Total all funds	\$5,092,228	\$1,245,000
Less estimated income	<u>3,992,228</u>	<u>265,000</u>
Total general fund	\$1,100,000	\$980,000"

Page 2, after line 16, insert:

**"SECTION 3. FAMILY VIOLENCE GRANTS - CONTINGENT FUNDING.**

The grants line item in section 1 of this Act includes \$80,000 from the general fund for family violence services and prevention grants. This funding is contingent on the state department of health certifying to the director of the office of management and budget that federal funds available to the department for family violence grants have been reduced due to federal sequestration. The department may spend these funds to the extent that federal funds are reduced."

Page 2, remove lines 23 through 25

Page 3, after line 2, insert:

**"SECTION 7. AMENDMENT.** Section 14-02.1-01 of the North Dakota Century Code as amended in section 1 of Senate Bill No. 2368, as approved by the sixty-third legislative assembly, is amended and reenacted as follows:

**14-02.1-01. Purpose.**

~~The purpose of this section is to protect the state's compelling interest in the unborn human life from the time the unborn child is capable of feeling pain. The purpose of this chapter is to protect unborn human life and maternal health within present constitutional limits. It reaffirms the tradition of the state of North Dakota to protect every human life whether unborn or aged, healthy or sick.~~

**SECTION 8. AMENDMENT.** The new section to chapter 14-02.1 of the North Dakota Century Code as created by section 3 of Senate Bill No. 2368, as approved by the sixty-third legislative assembly, is amended and reenacted as follows:

**Determination of postfertilization age - Abortion of unborn child of twenty or more weeks postfertilization age prohibited.**

1. The purpose of this section is to protect the state's compelling interest in the unborn human life from the time the unborn child is capable of feeling pain.

2. Except in the case of a medical emergency, an abortion may not be performed or induced or be attempted to be performed or induced unless the physician performing or inducing the abortion has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician. In making the determination, the physician shall make those inquiries of the woman and perform or cause to be performed the medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to postfertilization age.

2-3. Except in the case of a medical emergency, a person may not perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable postfertilization age of the woman's unborn child is twenty or more weeks.

**SECTION 9. LEGISLATIVE MANAGEMENT STUDY.** The legislative management shall consider studying, during the 2013-14 interim, funding provided by the state for autopsies and state and county responsibility for the cost of autopsies, including the feasibility and desirability of counties sharing in the cost of autopsies performed by the state department of health and the university of North Dakota school of medicine and health sciences. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly."

Page 3, line 3, replace "Section" with "Chapter 23-17.5 and section"

Page 3, line 3, replace "is" with "are"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2004 - State Department of Health - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$58,149,478	\$58,191,244	(\$3,579,466)	\$54,611,778	\$52,875,620	\$1,736,158
Operating expenses	38,152,557	38,527,557	(554,543)	37,973,014	36,516,083	1,456,931
Capital assets	2,224,288	2,224,288		2,224,288	2,000,288	224,000
Grants	57,316,529	57,484,729	(854,000)	56,630,729	51,222,729	5,408,000
Tobacco prevention	5,544,251	5,544,251		5,544,251	5,544,251	
WIC food payments	24,659,861	24,659,861		24,659,861	24,659,861	
Federal stimulus funds	155,000	155,000		155,000	155,000	
Accrued leave payments			2,223,289	2,223,289	2,223,289	
Total all funds	\$186,201,964	\$186,786,930	(\$2,764,720)	\$184,022,210	\$175,197,121	\$8,825,089
Less estimated income	140,216,701	140,618,913	(1,050,479)	139,568,434	138,927,790	640,644
General fund	\$45,985,263	\$46,168,017	(\$1,714,241)	\$44,453,776	\$36,269,331	\$8,184,445
FTE	354.00	354.00	(1.00)	353.00	350.00	3.00

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

	Adjusts State Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Removes Workforce Safety and Insurance for Volunteers <sup>3</sup>	Removes Funding for Oil Impact Grants <sup>4</sup>	Increases Funding for Grants to Local Public Health Units <sup>5</sup>	Decreases Funding for Operating Expenses <sup>5</sup>
Salaries and wages	(\$1,254,539)	(\$2,223,289)				
Operating expenses			(84,000)			(125,000)
Capital assets						
Grants				(1,184,000)	250,000	
Tobacco prevention						

WIC food payments						
Federal stimulus funds						
Accrued leave payments		2,223,289				
Total all funds	(\$1,254,539)	\$0	(\$84,000)	(\$1,184,000)	\$250,000	(\$125,000)
Less estimated income	(577,479)	0	0	0	0	(100,000)
General fund	(\$677,060)	\$0	(\$84,000)	(\$1,184,000)	\$250,000	(\$25,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Decreases Funding for School of Medicine Autopsy Services <sup>7</sup>	Adjusts Funding Source of Food and Lodging Licensing System <sup>8</sup>	Removes Funding for One Environmental Health FTE Position <sup>9</sup>	Adds Contingent Funding for Family Violence Services and Prevention Grants <sup>10</sup>	Removes Funding Related to Health Care Provider Cooperative Agreements <sup>11</sup>	Adjusts Funding Source for Statewide Stroke System of Care <sup>12</sup>
Salaries and wages			(\$101,638)			
Operating expenses	(160,000)		(85,543)		(100,000)	
Capital assets						
Grants				80,000		
Tobacco prevention						
WIC food payments						
Federal stimulus funds						
Accrued leave payments						
Total all funds	(\$160,000)	\$0	(\$187,181)	\$80,000	(\$100,000)	\$0
Less estimated income	0	110,000	0	0	(100,000)	(383,000)
General fund	(\$160,000)	(\$110,000)	(\$187,181)	\$80,000	\$0	\$383,000
FTE	0.00	0.00	(1.00)	0.00	0.00	0.00

	Total Conference Committee Changes
Salaries and wages	(\$3,579,466)
Operating expenses	(554,543)
Capital assets	
Grants	(854,000)
Tobacco prevention	
WIC food payments	
Federal stimulus funds	
Accrued leave payments	2,223,289
Total all funds	(\$2,764,720)
Less estimated income	(1,050,479)
General fund	(\$1,714,241)
FTE	(1.00)

<sup>1</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>2</sup> A portion of salaries and wages funding from the general fund (\$707,673) and from other funds (\$1,515,616) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>3</sup> Removes funding for Workforce Safety and Insurance for volunteers included in the executive recommendation, the same as the House. The additional payment was determined to be unnecessary by Workforce Safety and Insurance.

<sup>4</sup> Oil impact funding for grants to local public health units in oil-impacted areas of the state

included in the executive recommendation and approved by the Senate is removed, the same as the House.

<sup>5</sup> Funding for local public health units is increased to provide a total of \$4 million from the general fund to be distributed statewide, \$1 million more than the 2011-13 biennium. The House and Senate did not change the executive recommendation to provide \$3,750,000 from the general fund for local public health units, of which \$750,000 is to be distributed to public health units in non-oil-producing counties.

<sup>6</sup> Operating expenses are reduced departmentwide. The House reduced operating expenses \$250,000, and the Senate made no reductions.

<sup>7</sup> Professional services to contract with the University of North Dakota School of Medicine and Health Sciences to perform autopsies in the eastern part of the state, included in the executive recommendation and approved by the Senate are reduced to provide a total of \$480,000 of one-time funding from the general fund. The House removed this funding.

<sup>8</sup> The funding source of one-time funding for a food and lodging licensing management system included in the executive recommendation and approved by the Senate is changed from the general fund to special funds from food and lodging fees, the same as the House version.

<sup>9</sup> Funding for 1 FTE laboratory services position (\$101,638) and related operating expenses (\$85,543) included in the executive recommendation and approved by the Senate is removed, the same as the House version.

The conference committee restored funding for 2 FTE municipal facilities positions (\$286,748) and related operating expenses (\$24,427), laboratory operating expenses (\$250,000), and capital assets (\$224,000) included in the executive recommendation and approved by the Senate. The House removed these FTE positions and related funding.

<sup>10</sup> Contingent funding is added for family violence services and prevention grants. The funding is contingent on a reduction in federal funds resulting from sequestration, the same as the House version.

<sup>11</sup> Operating expenses are reduced due to the repeal of Chapter 23-17.5 related to health care provider cooperative agreements, the same as the House version.

<sup>12</sup> The source of funding added by the Senate to increase funding for the continued implementation of the statewide integrated stroke system of care is changed from the tobacco prevention and control trust fund to the general fund to provide a total of \$856,324 from the general fund. The House removed this funding increase. The executive recommendation included \$473,324 from the general fund for the statewide integrated stroke system of care. Funding from the tobacco prevention and control trust fund was added by the Senate to provide a total of \$856,324 for the statewide integrated stroke system of care, of which \$473,324 is from the general fund.

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The Conference Committee restored:

- Funding for 1 FTE position to implement a community paramedic/community health care worker pilot project and for educational startup costs (salaries and wages - \$135,000 and operating expenses - \$141,600) removed by the House.
- Funding for rural emergency medical services grants to provide a total of \$7.34 million, of which \$6.09 million is from the general fund and \$1.25 million is from the insurance tax distribution fund, the same as the executive recommendation and \$2.15 million more than the 2011-13 biennium. The House reduced emergency medical services grants by \$5.15 million, and the Senate did not change the executive recommendation.
- Funding increases provided in the executive recommendation in the salaries and wages line item (\$139,096) and the operating expenses line item (\$60,904) for an

emergency medical services grants manager position removed by the House.

In addition, this amendment:

- Adds a section to provide the additional funding in the grants line item for family violence services and prevention grants of \$80,000 from the general fund is contingent on the State Department of Health certifying to the Director of the Office of Management and Budget that federal funds available to the department for family violence grants has been reduced due to federal sequestration, the same as the House. The department may spend these funds to the extent that federal funds are reduced.
- Adds a section to repeal Chapter 23-17.5 related to health care provider cooperative agreements, the same as the House.
- Removes a section added by the Senate to provide \$383,000 from the tobacco prevention and control trust fund for the continued implementation of the statewide integrated stroke system of care, the same as the House. The conference committee changed the funding source of this increase to the general fund.
- Adds two sections to amend North Dakota Century Code sections amended by Senate Bill No. 2368. These amendments were not included in the executive recommendation nor the Senate or House versions.
- Adds a section to provide for a Legislative Management study of funding provided by the state for autopsies and state and county responsibility for the cost of autopsies, including the feasibility and desirability of counties sharing in the cost of autopsies performed by the State Department of Health and the University of North Dakota School of Medicine and Health Sciences.

Engrossed SB 2004 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2015, as engrossed:** Your conference committee (Sens. Wanzek, Krebsbach, O'Connell and Reps. Wieland, Pollert, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1420-1423, adopt amendments as follows, and place SB 2015 on the Seventh order:

That the House recede from its amendments as printed on pages 1420-1423 of the Senate Journal and pages 1517-1521 of the House Journal and that Engrossed Senate Bill No. 2015 be amended as follows:

Page 1, line 2, after the semicolon insert "to provide for refusal of admission of inmates; to provide for a legislative management study; to provide for a report to legislative management;"

Page 1, line 2, remove "section 3 of"

Page 1, replace line 3 with "subsection 2 of section 12.1-32-07 of the North Dakota Century Code, relating to supervision fees."

Page 1, replace lines 13 through 18 with:

"Adult services	\$160,825,768	\$17,819,891	\$178,645,659
Youth services	27,221,743	1,643,380	28,865,123
Accrued leave payments	0	<u>4,639,529</u>	<u>4,639,529</u>
Total all funds	\$188,047,511	\$24,102,800	\$212,150,311
Less estimated income	<u>30,145,650</u>	<u>1,089,272</u>	<u>31,234,922</u>
Total general fund	\$157,901,861	\$23,013,528	\$180,915,389
Full-time equivalent positions	794.29	20.00	814.29"

Page 2, replace line 3 with:

"Missouri River correctional center study	0	200,000"
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Page 2, replace lines 5 through 7 with:

"Total all funds	\$3,124,558	\$3,439,046
Less estimated income	<u>1,460,500</u>	<u>298,000</u>
Total general fund	\$1,664,058	\$3,141,046"

Page 2, replace lines 16 through 23 with:

**"SECTION 4. DEPARTMENT OF CORRECTIONS AND REHABILITATION - REPORT TO LEGISLATIVE MANAGEMENT.** Section 1 of this Act includes the sum of \$200,000, or so much of the sum as may be necessary, that the department of corrections and rehabilitation, in conjunction with the office of management and budget, shall use to develop options for the feasibility and desirability of relocating the Missouri River correctional center and for a land use study, for the biennium beginning July 1, 2013, and ending June 30, 2015. The department may use up to \$50,000 to contract for a land use study of the Missouri River correctional center site. The study must review options to develop all or a portion of the current site into a day park and options to continue agriculture activities on the current site. The study may not include options to develop the land for residential, commercial, or industrial purposes. The department may use up to \$150,000 for the development of options for relocating the Missouri River correctional center including the determination of facilities, services, and activities that may be shared by the Missouri River correctional center and the youth correctional center; to develop a plan to move the Missouri River correctional center to a site adjacent to the youth correctional center; and to provide cost estimates for construction necessary to relocate the Missouri River correctional center during the 2015-17 biennium, pending approval and funding by the sixty-fourth legislative assembly. During the 2013-14 interim, the office of management and budget shall provide a report to the budget section regarding options for the possible relocation of the Missouri River correctional center and results of the study. The department shall present its plan to move the Missouri River correctional center to a site adjacent to the youth correctional center to the legislative management by July 1, 2014.

**SECTION 5. LEGISLATIVE MANAGEMENT STUDY OF JAMES RIVER CORRECTIONAL CENTER AND STATE HOSPITAL PROPERTY.** During the 2013-14 interim, the legislative management shall consider studying the use of the structures and property of the James River correctional center and the state hospital to determine the best and most efficient use of the properties. The legislative management shall reports its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

**SECTION 6. REFUSAL OF ADMISSION OF INMATES - REPORT TO LEGISLATIVE MANAGEMENT.** The department of corrections and rehabilitation may refuse to admit inmates sentenced to the physical custody of the department when the admission of inmates will exceed the maximum operational capacity of the penitentiary and its affiliated facilities and result in the department exceeding its authorized legislative appropriation for contracting for housing inmates in other correctional facilities. For purposes of this section, maximum operational capacity of the department means the total number of inmates that may be imprisoned at the same time in the penitentiary and its affiliated facilities. The department shall develop a prison population management plan to prioritize admissions based on sentences and the availability of space in the penitentiary and its affiliated facilities. The department shall report annually to the budget section of the legislative management on the prison population management plan and inmate admissions and the number of inmates the department has not admitted after sentencing.

**SECTION 7. AMENDMENT.** Subsection 2 of section 12.1-32-07 of the North Dakota Century Code is amended and reenacted as follows:

2. The conditions of probation must be such as the court in its discretion deems reasonably necessary to ensure that the defendant will lead a law-abiding life or to assist the defendant to do so. The court shall provide as an explicit condition of every probation that the defendant not commit another offense during the period for which the probation remains subject to revocation. The court shall order supervision costs and fees of not less than ~~forty-five~~fifty-five dollars per month unless the court makes

a specific finding on record that the imposition of fees will result in an undue hardship. If the offender has not paid the full amount of supervision fees and costs before completion or termination of probation, the court may issue an order, after opportunity for hearing, to determine the amount of supervision fees and costs that are unpaid. The order may be filed, transcribed, and enforced by the department of corrections and rehabilitation in the same manner as civil judgments rendered by a district court of this state."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2015 - DOCR - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Adult services	\$180,507,372	\$181,589,147	(\$2,943,488)	\$178,645,659	\$173,597,083	\$5,048,576
Youth services	30,149,708	30,159,324	(1,294,201)	28,865,123	28,558,729	306,394
Accrued leave payments			4,639,529	4,639,529	4,639,529	
Transfer to state penitentiary land fund					12,000,000	(12,000,000)
Total all funds	\$210,657,080	\$211,748,471	\$401,840	\$212,150,311	\$218,795,341	(\$6,645,030)
Less estimated income	30,673,355	30,676,124	558,798	31,234,922	31,117,174	117,748
General fund	\$179,983,725	\$181,072,347	(\$156,958)	\$180,915,389	\$187,678,167	(\$6,762,778)
FTE	814.29	814.29	0.00	814.29	814.29	0.00

**Department No. 530 - DOCR - Detail of Conference Committee Changes**

	Adjusts State Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Removes Funding for Oil Impact <sup>3</sup>	Reduces Funding for Operating Expenses <sup>4</sup>	Changes Funding Source for New FTE Positions <sup>5</sup>	Adds Funding for MRCC Study <sup>6</sup>
Adult services	(\$2,093,670)	(\$3,768,101)	(\$187,967)	(\$93,750)		\$200,000
Youth services	(313,138)	(871,428)	(78,385)	(31,250)		
Accrued leave payments		4,639,529				
Transfer to state penitentiary land fund						
Total all funds	(\$2,406,808)	\$0	(\$266,352)	(\$125,000)	\$0	\$200,000
Less estimated income	(119,202)	0	0	0	678,000	0
General fund	(\$2,287,606)	\$0	(\$266,352)	(\$125,000)	(\$678,000)	\$200,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for Changes in DUI Laws <sup>7</sup>	Total Conference Committee Changes
Adult services	\$3,000,000	(\$2,943,488)
Youth services		(1,294,201)
Accrued leave payments		4,639,529
Transfer to state penitentiary land fund		
Total all funds	\$3,000,000	\$401,840
Less estimated income	0	558,798
General fund	\$3,000,000	(\$156,958)
FTE	0.00	0.00

<sup>1</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>2</sup> A portion of salaries and wages funding from the general fund (\$4,407,553) and from other funds (\$231,976) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees. The House version also provided for an accrued leave payments line item.

<sup>3</sup> Funding included in the executive budget recommendation for salary add-ons and housing assistance for employees in oil-impacted areas is removed. The House also removed this funding.

<sup>4</sup> Funding is reduced by \$125,000 departmentwide for operating expenses. The House also removed this funding.

<sup>5</sup> The funding source for a portion of salaries and operating expenses for new parole and probation officer FTE positions is changed from the general fund to other funds received from an increase in supervision fees. The House also changed the funding source for the new FTE positions.

<sup>6</sup> Funding is added for a study regarding the relocation of the Missouri River Correctional Center to the Youth Correctional Center site. The House version also included funding for a study of relocating the Missouri River Correctional Center.

<sup>7</sup> Funding is added for increased probation and incarceration requirements due to provisions of House Bill No. 1302, relating to driving under the influence laws.

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Sections are added relating to the following:

- Refusal of admission of inmates.
- Legislative Management study of the James River Correctional Center and the State Hospital.
- A report to Legislative Management regarding the Missouri River Correctional Center study.
- Subsection 2 of Section 12.1-32-07 is amended to increase supervision fees from \$45 to \$55.

Engrossed SB 2015 was placed on the Seventh order of business on the calendar.

### REPORT OF CONFERENCE COMMITTEE

**SB 2020, as engrossed:** Your conference committee (Sens. Bowman, Erbele, O'Connell and Reps. Monson, Skarphol, Boe) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1395-1403, adopt amendments as follows, and place SB 2020 on the Seventh order:

That the House recede from its amendments as printed on pages 1395-1403 of the Senate Journal and pages 1466-1474 of the House Journal and that Engrossed Senate Bill No. 2020 be amended as follows:

Page 1, line 4, after the semicolon insert "to provide for a state water commission study; to provide for a legislative management report;"

Page 1, remove lines 22 through 24

Page 2, replace lines 1 through 3 with:

"Extension service	\$47,026,654	\$3,876,331	\$50,902,985
Soil conservation committee	987,800	150,000	1,137,800
Accrued leave payments	0	<u>1,716,289</u>	<u>1,716,289</u>
Total all funds	\$48,014,454	\$5,742,620	\$53,757,074
Less estimated income	<u>23,128,810</u>	<u>1,718,999</u>	<u>24,847,809</u>
Total general fund	\$24,885,644	\$4,023,621	\$28,909,265
Full-time equivalent positions	256.26	2.00	258.26"

Page 2, replace lines 8 through 11 with:

"Northern crops institute	\$3,347,307	\$472,520	\$3,819,827
Accrued leave payments	0	<u>42,195</u>	<u>42,195</u>
Total all funds	\$3,347,307	\$514,715	\$3,862,022
Less estimated income	<u>1,654,725</u>	<u>142,436</u>	<u>1,797,161</u>
Total general fund	\$1,692,582	\$372,279	\$2,064,861
Full-time equivalent positions	12.00	0.00	12.00"

Page 2, replace lines 16 through 19 with:

"Upper great plains transportation institute	\$24,069,961	\$2,218,199	\$26,288,160
Accrued leave payments	0	<u>241,627</u>	<u>241,627</u>
Total all funds	\$24,069,961	\$2,459,826	\$26,529,787
Less estimated income	<u>22,150,333</u>	<u>302,630</u>	<u>22,452,963</u>
Total general fund	\$1,919,628	\$2,157,196	\$4,076,824
Full-time equivalent positions	51.75	2.00	53.75"

Page 2, replace lines 24 through 27 with:

"Main research center	\$89,012,990	\$20,085,853	\$109,098,843
Accrued leave payments	0	<u>2,561,394</u>	<u>2,561,394</u>
Total all funds	\$89,012,990	\$22,647,247	\$111,660,237
Less estimated income	<u>41,630,644</u>	<u>11,423,072</u>	<u>53,053,716</u>
Total general fund	\$47,382,346	\$11,224,175	\$58,606,521
Full-time equivalent positions	349.01	2.48	351.49"

Page 3, replace lines 1 through 11 with:

"Dickinson research center	\$5,588,562	\$528,059	\$6,116,621
Central grasslands research center	2,865,847	364,020	3,229,867
Hettinger research center	3,373,175	1,288,554	4,661,729
Langdon research center	2,378,807	453,688	2,832,495
North central research center	4,399,821	182,856	4,582,677
Williston research center	3,410,089	356,897	3,766,986
Carrington research center	7,126,488	766,006	7,892,494
Accrued leave payments	0	<u>503,916</u>	<u>503,916</u>

Total all funds	\$29,142,789	\$4,443,996	\$33,586,785
Less estimated income	<u>14,997,581</u>	<u>1,003,502</u>	<u>16,001,083</u>
Total general fund	\$14,145,208	\$3,440,494	\$17,585,702
Full-time equivalent positions	103.04	4.00	107.04"

Page 3, replace lines 16 through 18 with:

"Agronomy seed farm	\$1,435,168	\$30,850	\$1,466,018
Accrued leave payments	<u>0</u>	<u>5,741</u>	<u>5,741</u>
Total special funds	\$1,435,168	\$36,591	\$1,471,759
Full-time equivalent positions	3.00	0.00	3.00"

Page 3, replace lines 23 through 25 with:

"Grand total general fund	\$90,025,408	\$21,217,765	\$111,243,173
Grand total special funds	<u>104,997,261</u>	<u>14,627,230</u>	<u>119,624,491</u>
Grand total all funds	\$195,022,669	\$35,844,995	\$230,867,664"

Page 4, after line 9, insert:

"Upper great plains transportation institute state match for federal funds"		0	1,250,000
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Page 4, replace lines 11 through 13 with:

"Total all funds		\$10,726,983	\$9,785,000
Total other funds		<u>2,852,931</u>	<u>950,000</u>
Total general fund		\$7,874,052	\$8,835,000"

Page 4, after line 25, insert:

**"SECTION 4. DICKINSON RESEARCH EXTENSION CENTER - MINERAL RIGHTS INCOME.** The Dickinson research extension center may spend up to \$755,000 of revenues received during the 2013-15 biennium from mineral royalties, leases, or easements for ongoing operational expenses. Any revenues received in excess of \$755,000 may be spent only for one-time expenditures for the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 5. WILLISTON RESEARCH EXTENSION CENTER - MINERAL RIGHTS INCOME.** The Williston research extension center must retain all revenues received during the 2013-15 biennium from mineral royalties, leases, or easements in the Williston research extension center fund and shall report to the sixty-fourth legislative assembly on the amounts received for the biennium beginning July 1, 2013, and ending June 30, 2015."

Page 4, after line 30, insert:

**"SECTION 7. NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE - NEW TECHNICAL SUPPORT FULL-TIME EQUIVALENT POSITION.** The North Dakota state university extension service may utilize the new full-time equivalent technical support position recommended in the 2013-15 executive recommendation and included in subdivision 1 of section 1 of this Act, in either the weed science or potato program for the biennium beginning July 1, 2013, and ending June 30, 2015."

Page 5, line 16, remove **"MATCHING FUNDS"**

Page 5, after line 26, insert:

**"SECTION 13. STATE WATER COMMISSION STUDY - MOUSE RIVER AND TRIBUTARIES - LEGISLATIVE MANAGEMENT REPORT.** During the 2013-14 interim, the state water commission shall conduct a study of the Mouse River and its tributaries, including the causes of flooding and measures that could be taken to improve waterflows and reduce flooding and the amount of time flooded land is

affected. The state water commission shall report its findings to the legislative management."

Page 5, line 27, replace "\$4,300,000" with "\$5,925,000"

Page 5, line 28, replace "and" with a semicolon

Page 5, line 28, replace "is" with "; and \$82,000 relating to a flooded lands study in subdivision 4 of section 1 of this Act are"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2020 - Summary of Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Transportation Institute						
Total all funds	\$25,353,629	\$25,353,629	\$1,176,158	\$26,529,787	\$26,364,050	\$165,737
Less estimated income	22,525,054	22,525,054	(72,091)	22,452,963	22,316,605	136,358
General fund	\$2,828,575	\$2,828,575	\$1,248,249	\$4,076,824	\$4,047,445	\$29,379
Branch Research Centers						
Total all funds	\$33,746,878	\$33,746,878	(\$160,093)	\$33,586,785	\$33,369,285	\$217,500
Less estimated income	16,021,866	16,021,866	(20,783)	16,001,083	15,961,430	39,653
General fund	\$17,725,012	\$17,725,012	(\$139,310)	\$17,585,702	\$17,407,855	\$177,847
NDSU Extension Service						
Total all funds	\$54,088,058	\$54,288,058	(\$530,984)	\$53,757,074	\$53,112,432	\$644,642
Less estimated income	25,437,414	24,987,414	(139,605)	24,847,809	24,560,620	287,189
General fund	\$28,650,644	\$29,300,644	(\$391,379)	\$28,909,265	\$28,551,812	\$357,453
Northern Crops Institute						
Total all funds	\$3,874,651	\$3,874,651	(\$12,629)	\$3,862,022	\$3,833,715	\$28,307
Less estimated income	1,800,307	1,800,307	(3,146)	1,797,161	1,782,339	14,822
General fund	\$2,074,344	\$2,074,344	(\$9,483)	\$2,064,861	\$2,051,376	\$13,485
Main Research Center						
Total all funds	\$110,293,322	\$112,320,622	(\$660,385)	\$111,660,237	\$110,808,512	\$851,725
Less estimated income	53,255,585	53,255,585	(201,869)	53,053,716	53,471,947	(418,231)
General fund	\$57,037,737	\$59,065,037	(\$458,516)	\$58,606,521	\$57,336,565	\$1,269,956
Agronomy Seed Farm						
Total all funds	\$1,474,961	\$1,474,961	(\$3,202)	\$1,471,759	\$1,464,590	\$7,169
Less estimated income	1,474,961	1,474,961	(3,202)	1,471,759	1,464,590	7,169
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Bill total						
Total all funds	\$228,831,499	\$231,058,799	(\$191,135)	\$230,867,664	\$228,952,584	\$1,915,080
Less estimated income	120,515,187	120,065,187	(440,696)	119,624,491	119,557,531	66,960
General fund	\$108,316,312	\$110,993,612	\$249,561	\$111,243,173	\$109,395,053	\$1,848,120

**Senate Bill No. 2020 - Transportation Institute - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Upper Great Plains Trans. Institute	\$25,353,629	\$25,353,629	\$934,531	\$26,288,160	\$26,122,423	\$165,737
Accrued leave payments			241,627	241,627	241,627	
Total all funds	\$25,353,629	\$25,353,629	\$1,176,158	\$26,529,787	\$26,364,050	\$165,737
Less estimated income	22,525,054	22,525,054	(72,091)	22,452,963	22,316,605	136,358
General fund	\$2,828,575	\$2,828,575	\$1,248,249	\$4,076,824	\$4,047,445	\$29,379
FTE	53.75	53.75	0.00	53.75	53.75	0.00

**Department No. 627 - Transportation Institute - Detail of Conference Committee Changes**

Adjusts Employee Compensation and Benefits	Provides Separate Line Item for Accrued Leave	Increases Funding for Matching Grants <sup>3</sup>	Total Conference Committee Changes

	Package <sup>1</sup>	Payments <sup>2</sup>		
Upper Great Plains Trans. Institute	(\$73,842)	(\$241,627)	\$1,250,000	\$934,531
Accrued leave payments		241,627		241,627
Total all funds	(\$73,842)	\$0	\$1,250,000	\$1,176,158
Less estimated income	(72,091)	0	0	(72,091)
General fund	(\$1,751)	\$0	\$1,250,000	\$1,248,249
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>2</sup> A portion of salaries and wages funding from the general fund (\$42,266) and from other funds (\$199,361) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>3</sup> This amendment increases funding to match new federal grants received by the agency to provide a total of \$2 million, all of which is from the general fund. This increase of \$1.25 million is one-time funding and the same as the House version, the Senate did not change the executive recommendation.

### Senate Bill No. 2020 - Branch Research Centers - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Dickinson Research Center	\$6,231,325	\$6,231,325	(\$114,704)	\$6,116,621	\$6,076,015	\$40,606
Central Grasslands Research Center	3,297,559	3,297,559	(67,692)	3,229,867	3,207,216	22,651
Hettinger Research Center	4,746,234	4,746,234	(84,505)	4,661,729	4,634,576	27,153
Langdon Research Center	2,886,763	2,886,763	(54,268)	2,832,495	2,812,795	19,700
North Central Research Center	4,661,679	4,661,679	(79,002)	4,582,677	4,562,396	20,281
Williston Research Center	3,869,023	3,869,023	(102,037)	3,766,986	3,726,987	39,999
Carrington Research Center	8,054,295	8,054,295	(161,801)	7,892,494	7,845,384	47,110
Accrued leave payments			503,916	503,916	503,916	
Total all funds	\$33,746,878	\$33,746,878	(\$160,093)	\$33,586,785	\$33,369,285	\$217,500
Less estimated income	16,021,866	16,021,866	(20,783)	16,001,083	15,961,430	39,653
General fund	\$17,725,012	\$17,725,012	(\$139,310)	\$17,585,702	\$17,407,855	\$177,847
FTE	107.04	107.04	0.00	107.04	107.04	0.00

### Department No. 628 - Branch Research Centers - Detail of Conference Committee Changes

	Adjusts Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Total Conference Committee Changes
Dickinson Research Center	(\$27,696)	(\$87,008)	(\$114,704)
Central Grasslands Research Center	(16,329)	(51,363)	(67,692)
Hettinger Research Center	(20,332)	(64,173)	(84,505)
Langdon Research Center	(13,128)	(41,140)	(54,268)
North Central Research Center	(19,051)	(59,951)	(79,002)
Williston Research Center	(24,654)	(77,383)	(102,037)
Carrington Research Center	(38,903)	(122,898)	(161,801)
Accrued leave payments		503,916	503,916
Total all funds	(\$160,093)	\$0	(\$160,093)

Less estimated income	(20,783)	0	(20,783)
General fund	(\$139,310)	\$0	(\$139,310)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

Branch Research Center	General Fund	Estimated Income	Total
Dickinson Research Center	(\$24,101)	(\$3,595)	(\$27,696)
Central Grasslands Research Center	(14,209)	(2,120)	(16,329)
Hettinger Research Center	(17,692)	(2,640)	(20,332)
Langdon Research Center	(11,424)	(1,704)	(13,128)
North Central Research Center	(16,578)	(2,473)	(19,051)
Williston Research Center	(21,453)	(3,201)	(24,654)
Carrington Research Center	(33,853)	(5,050)	(38,903)

<sup>2</sup> A portion of salaries and wages funding from the general fund (\$407,680) and from other funds (\$96,236) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees for each branch center as follows:

Branch Research Centers	General Fund	Estimated Income	Total
Dickinson Research Center	(\$70,391)	(\$16,617)	(\$87,008)
Central Grasslands Research Center	(41,554)	(9,809)	(51,363)
Hettinger Research Center	(51,917)	(12,256)	(64,173)
Langdon Research Center	(33,283)	(7,857)	(41,140)
North Central Research Center	(48,502)	(11,449)	(59,951)
Williston Research Center	(62,604)	(14,779)	(77,383)
Carrington Research Center	(99,429)	(23,469)	(122,898)
Accrued leave payments	407,680	96,236	503,916

Sections are added:

- Providing that the Dickinson Research Extension Center may only spend revenue from mineral royalties, leases, or easements in excess of \$755,000 for one-time items and not for operations during the 2013-15 biennium. The conference committee amended this section added by the House to allow the use of up to \$755,000 from mineral royalties, leases, or easements revenues for ongoing operational costs.
- Providing that the Williston Research Extension Center must retain all revenues from mineral royalties, leases, or easements in the Williston Research Extension Center fund and report the revenues to the 64<sup>th</sup> Legislative Assembly. The funds may be used for one-time expenditures in the 2015-17 biennium.

**Senate Bill No. 2020 - NDSU Extension Service - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Extension Service	\$53,025,258	\$53,150,258	(\$2,247,273)	\$50,902,985	\$50,333,343	\$569,642
Soil Conservation Committee	1,062,800	1,137,800		1,137,800	1,062,800	75,000
Accrued leave payments			1,716,289	1,716,289	1,716,289	
Total all funds	\$54,088,058	\$54,288,058	(\$530,984)	\$53,757,074	\$53,112,432	\$644,642
Less estimated income	25,437,414	24,987,414	(139,605)	24,847,809	24,560,620	287,189
	\$28,650,644	\$29,300,644	(\$391,379)	\$28,909,265	\$28,551,812	\$357,453

General fund						
FTE	258.26	258.26	0.00	258.26	258.26	0.00

### Department No. 630 - NDSU Extension Service - Detail of Conference Committee Changes

	Adjusts Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Removes Funding for Partial Salary Support <sup>3</sup>	Provides Funding for Burleigh County Extension Service Summer Internships <sup>4</sup>	Total Conference Committee Changes
Extension Service	(\$295,984)	(\$1,716,289)	(\$260,000)	\$25,000	(\$2,247,273)
Soil Conservation Committee					
Accrued leave payments		1,716,289			1,716,289
Total all funds	(\$295,984)	\$0	(\$260,000)	\$25,000	(\$530,984)
Less estimated income	(139,605)	0	0	0	(139,605)
General fund	(\$156,379)	\$0	(\$260,000)	\$25,000	(\$391,379)
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>2</sup> A portion of salaries and wages funding from the general fund (\$852,203) and from other funds (\$864,086) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>3</sup> This amendment removes funding included in the executive budget to provide partial general fund salary support for the following existing positions, same as the House version:

- Integrated pest management and plant diagnostic laboratory coordinator.
- State water quality specialist.

<sup>4</sup> This amendment provides funding for salaries and wages for a junior master gardener internship program through the Burleigh County Extension Service for the summer of 2013 and the summer of 2014, same as the House version.

This amendment provides the NDSU Extension Service flexibility to use the new FTE technical support position, recommended in the executive budget, in either the weed science or potato program, same as the House version.

### Senate Bill No. 2020 - Northern Crops Institute - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Northern Crops Institute	\$3,874,651	\$3,874,651	(\$54,824)	\$3,819,827	\$3,791,520	\$28,307
Accrued leave payments			42,195	42,195	42,195	
Total all funds	\$3,874,651	\$3,874,651	(\$12,629)	\$3,862,022	\$3,833,715	\$28,307
Less estimated income	1,800,307	1,800,307	(3,146)	1,797,161	1,782,339	14,822
General fund	\$2,074,344	\$2,074,344	(\$9,483)	\$2,064,861	\$2,051,376	\$13,485
FTE	12.00	12.00	0.00	12.00	12.00	0.00

**Department No. 638 - Northern Crops Institute - Detail of Conference Committee Changes**

	Adjusts Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Total Conference Committee Changes
Northern Crops Institute			
Accrued leave payments	(\$12,629)	(\$42,195)	(\$54,824)
		42,195	42,195
Total all funds	(\$12,629)	\$0	(\$12,629)
Less estimated income	(3,146)	0	(3,146)
General fund	(\$9,483)	\$0	(\$9,483)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>2</sup> A portion of salaries and wages funding from the general fund (\$37,172) and from other funds (\$5,023) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

**Senate Bill No. 2020 - Main Research Center - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Main Research Center						
Accrued leave payments	\$110,293,322	\$112,320,622	(\$3,221,779)	\$109,098,843	\$108,247,118	\$851,725
			2,561,394	2,561,394	2,561,394	
Total all funds	\$110,293,322	\$112,320,622	(\$660,385)	\$111,660,237	\$110,808,512	\$851,725
Less estimated income	53,255,585	53,255,585	(201,869)	53,053,716	53,471,947	(418,231)
General fund	\$57,037,737	\$59,065,037	(\$458,516)	\$58,606,521	\$57,336,565	\$1,269,956
FTE	351.49	351.99	(0.50)	351.49	351.49	0.00

**Department No. 640 - Main Research Center - Detail of Conference Committee Changes**

	Adjusts Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Removes Funding for Oil-Impacted Centers <sup>3</sup>	Reduces Funding for Flooded Lands Study <sup>4</sup>	Removes Animal Science Position <sup>5</sup>	Total Conference Committee Changes
Main Research Center						
Accrued leave payments	(\$480,085)	(\$2,561,394)	(\$100,000)	(\$80,300)		(\$3,221,779)
		2,561,394				2,561,394
Total all funds	(\$480,085)	\$0	(\$100,000)	(\$80,300)	\$0	(\$660,385)
Less estimated income	(201,869)	0	0	0	0	(201,869)
General fund	(\$278,216)	\$0	(\$100,000)	(\$80,300)	\$0	(\$458,516)
FTE	0.00	0.00	0.00	0.00	(0.50)	(0.50)

<sup>1</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the

biennium.

- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>2</sup> A portion of salaries and wages funding from the general fund (\$1,748,140) and from other funds (\$813,254) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>3</sup> This amendment removes the funding added by the Senate for oil-impacted research extension centers for housing allowances or hiring bonuses, same as the House version.

<sup>4</sup> This amendment reduces the funding added by the Senate for the research relating to the recovery of grasslands affected by Souris River flooding to provide a total of \$82,000, all of which is from the general fund. This amendment is the same as the House version. The conference committee added an emergency clause for this funding.

<sup>5</sup> The .5 FTE animal science position added by the Senate is removed. The funding of \$140,000 from the general fund added by the Senate relating to the position is not changed, same as the House version.

This amendment also provides:

- Funding of \$5,925,000 from the general fund for replacement of agronomy laboratories, the same as the Senate version. The House reduced the general fund amount appropriated for the replacement of the agronomy laboratories to \$4,925,000 and provided special fund authority to raise up to \$1 million from private grants, gifts, donations, or other nonstate sources.
- For a study of the Mouse River and its tributaries to be conducted by the State Water Commission.

#### Senate Bill No. 2020 - Agronomy Seed Farm - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Agronomy Seed Farm	\$1,474,961	\$1,474,961	(\$8,943)	\$1,466,018	\$1,458,849	\$7,169
Accrued leave payments			5,741	5,741	5,741	
Total all funds	\$1,474,961	\$1,474,961	(\$3,202)	\$1,471,759	\$1,464,590	\$7,169
Less estimated income	1,474,961	1,474,961	(3,202)	1,471,759	1,464,590	7,169
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	3.00	3.00	0.00	3.00	3.00	0.00

#### Department No. 649 - Agronomy Seed Farm - Detail of Conference Committee Changes

	Adjusts Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Total Conference Committee Changes
Agronomy Seed Farm	(\$3,202)	(\$5,741)	(\$8,943)
Accrued leave payments		5,741	5,741
Total all funds	(\$3,202)	\$0	(\$3,202)
Less estimated income	(3,202)	0	(3,202)
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>2</sup> A portion of salaries and wages funding from other funds (\$5,741) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

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### Senate Bill No. 2020 - Other Changes - Conference Committee Action

The conference committee retained a section allowing carryover authority which was removed by the House.

Engrossed SB 2020 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2171, as engrossed:** Your conference committee (Sens. Miller, Oehlke, Dotzenrod and Reps. Owens, Dockter, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1239-1241, adopt amendments as follows, and place SB 2171 on the Seventh order:

That the House recede from its amendments as printed on pages 1239-1241 of the Senate Journal and pages 1316 and 1317 of the House Journal and that Engrossed Senate Bill No. 2171 be amended as follows:

Page 1, line 16, replace "twenty-six" with "twenty-two"

Page 1, line 20, replace "twenty-six" with "twenty-two"

Page 1, line 21, replace "thirty" with "twenty-six"

Page 2, line 1, replace "thirty" with "twenty-six"

Page 2, line 2, replace "thirty-four" with "thirty"

Page 2, line 6, replace "thirty-four" with "thirty"

Page 2, line 7, replace "thirty-eight" with "thirty-four"

Page 2, line 11, replace "thirty-eight" with "thirty-four"

Page 2, line 12, replace "forty-two" with "thirty-eight"

Page 2, line 26, overstrike ", excluding the"

Page 2, overstrike line 27

Page 2, line 28, overstrike "homestead,"

Page 2, line 28, remove "two hundred"

Page 2, line 28, overstrike "seventy-five" and insert immediately thereafter "five hundred"

Page 3, after line 5, insert:

**"SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after December 31, 2012."

ReNUMBER accordingly

Engrossed SB 2171 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2187, as reengrossed:** Your conference committee (Sens. Anderson, Larsen, Axness and Reps. Weisz, Anderson, Muscha) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1268-1269, adopt amendments as follows, and place SB 2187 on the Seventh order:

That the House recede from its amendments as printed on pages 1208 and 1209 of the Senate Journal and pages 1268 and 1269 of the House Journal and that Reengrossed Senate Bill No. 2187 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 6-09-47 of the North Dakota Century Code, relating to a Bank of North Dakota medical facility infrastructure loan program; to provide for a report; to provide for a transfer; to provide a contingent appropriation; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** Section 6-09-47 of the North Dakota Century Code is created and enacted as follows:

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

1. The Bank of North Dakota shall administer a loan program to provide loans to medical facilities to conduct construction that improves the health care infrastructure in the state or improves access to existing nonprofit health care providers in the state. The construction project may include land purchases and may include purchase, lease, erection, or improvement of any structure or facility to the extent the governing board of the health care facility has the authority to authorize such activity.
2. In order to be eligible under this loan program, the applicant must be the governing board of the health care facility which shall submit an application to the Bank. The application must:
  - a. Detail the proposed construction project, which must be a project of at least one million dollars and which is expected to be utilized for at least thirty years;
  - b. Demonstrate the need and long-term viability of the construction project; and
  - c. Include financial information as the Bank may determine appropriate to determine eligibility, such as whether there are alternative financing methods.
3. The governor shall establish a task force to review loan applications under this section and to make recommendations to the Bank on the loan applications. The task force must include representation of medical providers and medical facilities from the oil-producing counties in the state. The task force shall work with the Bank to establish criteria for eligibility for a loan under the program. The criteria established by the task force and the Bank must give priority to applicants that are located in oil-producing counties.
4. A loan provided under this section:
  - a. May not exceed the lesser of fifteen million dollars or seventy-five percent of the actual cost of the project;
  - b. Must have an interest rate equal to one percent; and

- c. Must provide a repayment schedule of no longer than twenty-five years.
5. A recipient of a loan under this section shall complete the financed construction project within twenty-four months of approval of the loan. Failure to comply with this subsection may result in forfeiture of the entire loan received under this section.
6. The medical facility infrastructure fund is a special fund in the state treasury. All moneys in the medical facility infrastructure fund are appropriated to the Bank on a continuing basis for the purpose of providing loans under this section.
7. Funds in the medical facility infrastructure fund may be used for loans as provided under this section and to pay the costs of administration of the fund. Annually, the Bank may deduct a service fee for administering the medical facility infrastructure fund maintained under this section.
8. The medical facility infrastructure fund must be audited in accordance with section 6-09-29. The cost of the audit and any other actual costs incurred by the Bank on behalf of the fund must be paid from the fund.
9. The Bank shall deposit loan repayment funds in the medical facility infrastructure fund. After deduction of fees and costs as provided in this section, the Bank shall make an annual transfer of repayment funds deposited in the medical facility infrastructure fund to the state treasurer for deposit in the strategic investment and improvements fund.

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

1. The Bank of North Dakota shall service loans made under the medical facility infrastructure loan program. The repayment schedule of these loans may not exceed twenty-five years.
2. Funds in the medical facility infrastructure fund may be used for loans as provided under this section and to pay the costs of administration of the fund. Annually, the Bank may deduct a service fee for administering the medical facility infrastructure fund maintained under this section.
3. The medical facility infrastructure fund must be audited in accordance with section 6-09-29. The cost of the audit and any other actual costs incurred by the Bank on behalf of the fund must be paid from the fund.
4. The Bank shall deposit loan repayment funds in the medical facility infrastructure fund. After deduction of fees and costs as provided in this section, the Bank shall make an annual transfer of repayment funds deposited in the medical facility infrastructure fund to the state treasurer for deposit in the strategic investment and improvements fund.

**SECTION 2. APPROPRIATION - TRANSFER.** There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$50,000,000, or so much of the sum as may be necessary, to the medical facility infrastructure fund for use by the Bank of North Dakota to provide medical facility infrastructure loans under section 1 of this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015. In addition, any amount authorized by the state board of university and school lands under House Bill No. 1319, as enacted by the sixty-third legislative assembly, after December 31, 2014, as uncommitted school construction loans shall be transferred to the medical facility infrastructure fund and is appropriated for the purpose of loans by the Bank of North Dakota to provide medical facility infrastructure loans under section 1 of this Act.

**SECTION 3. BALANCE TRANSFER.** The Bank of North Dakota shall transfer any balance remaining in the medical facility infrastructure fund on July 31, 2017, to the state treasurer for deposit in the strategic investment and improvements fund.

**SECTION 4. REPORT TO LEGISLATIVE ASSEMBLY.** The Bank of North Dakota shall report to the sixty-fourth and sixty-fifth legislative assemblies on the status of the loan program provided for in this Act."

Renumber accordingly

Reengrossed SB 2187 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1008, as engrossed:** Your conference committee (Sens. Carlisle, Wanzek, O'Connell and Reps. Streyle, Dosch, Boe) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1203-1206, adopt amendments as follows, and place HB 1008 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1203-1206 of the House Journal and pages 964-967 of the Senate Journal and that Engrossed House Bill No. 1008 be amended as follows:

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

Page 1, line 2, after "49-01-05" insert "and 64-02-10"

Page 1, line 3, after "commissioners" insert "and fees to test or calibrate weighing and measuring devices"

Page 1, line 3, remove "a"

Page 1, line 4, replace "study" with "studies"

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

Page 1, replace lines 13 through 23 with:

"Salaries and wages	\$7,482,074	\$1,024,630	\$8,506,704
Accrued leave payments	0	168,278	168,278
Operating expenses	1,972,572	(77,010)	1,895,562
Capital assets	53,000	35,665	88,665
Grants	16,000	4,000	20,000
Abandoned mined lands contractual	8,000,000	0	8,000,000
Rail rate complaint case	900,000	0	900,000
Reclamation and grain licensing litigation	0	<u>900,000</u>	<u>900,000</u>
Total all funds	\$18,423,646	\$2,055,563	\$20,479,209
Less estimated income	<u>12,403,431</u>	<u>984,038</u>	<u>13,387,469</u>
Total general fund	\$6,020,215	\$1,071,525	\$7,091,740
Full-time equivalent positions	43.00	1.00	44.00"

Page 2, after line 6, insert:

"Reclamation and grain licensing litigation	0	750,000"
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Page 2, replace lines 8 through 10 with:

"Total all funds	\$658,217	\$778,000
Total special funds	<u>658,217</u>	<u>353,920</u>
Total general fund	\$0	\$424,080"

Page 2, line 18, replace "ninety-eight" with "ninety-nine"

Page 2, line 19, replace "seventy-nine" with "thirty-five"

Page 2, line 19, replace the second "one" with "two"

Page 2, line 20, replace "thirty-three" with "eighteen"

Page 2, line 24, after "STUDY" insert "- CIVIL PENALTIES"

Page 2, remove lines 30 and 31

Page 3, replace lines 1 and 2 with:

**"SECTION 5. LEGISLATIVE MANAGEMENT STUDY - METROLOGY LABORATORY.** The legislative management shall consider studying, during the 2013-14 interim, the feasibility and desirability of constructing a new metrology laboratory. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

**SECTION 6. AMENDMENT.** Section 64-02-10 of the North Dakota Century Code is amended and reenacted as follows:

**64-02-10. Fees to test or calibrate weighing and measuring devices.**

The commission shall collect the following fees to:

1.	Test railroad track or truck scale	\$171.00
<del>2.</del>	<del>Test livestock and vehicle scale</del>	<del>—171.00</del>
<del>3.</del>	<del>Test livestock scale if the sales ring or buying station scale owner transports to the scale and furnishes all test weights and manpower needed to properly test the scale</del>	<del>—96.00</del>
<del>4.</del>	<del>Test auxiliary beam on livestock, motor truck, and motor truck dump scale</del>	<del>—24.00</del>
5.	Test overhead monorail, track, hopper, dormant, deck, and hanging scale <u>of one thousand pounds [453 kilograms] or less capacity</u>	<u>53.00</u>
<del>6-2.</del>	Test movable platform scale	11.00
<del>7-3.</del>	Test counter or computing scale	11.00
<del>8-4.</del>	Test hanging scale of fifty pound [22.68 kilogram] capacity or less	11.00
<del>9-5.</del>	Test a retail motor fuel device	11.00
<del>10-6.</del>	Test or calibrate weighing and measuring standards, per metrologist, per quarter hour or fraction thereof	17.00
<del>11-7.</del>	Test mobile delivery gasoline and fuel oil meter	24.00
<del>12-8.</del>	Test gasoline, LPG, or fuel oil meter on common carrier pipelines, or any other meter used in loading railway cars, transports, or other conveyances	53.00
<del>13-9.</del>	Test propane, ag chemical, or liquid fertilizer meter	39.00

- ~~14.~~ Test crane scale -107.00
- ~~15-10.~~ Test or calibrate weighing and measuring devices other than the above and those set by rule, per inspector per quarter hour or fraction thereof 11.00
- ~~16-11.~~ Witnessing any of the above tests Fifty percent of the applicable fee

When a rejected weighing or measuring device has been reconditioned or replaced by new equipment, it must be retested and certified before being put into use except as otherwise provided by rule. The fee for retest and certification is the same as for the first test and certification.

When a test of a weighing or measuring device is required in addition to the regularly scheduled test, the commission shall charge a fee equal to the cost of operating the motor vehicle used in conducting the test. The mileage charges, as determined by the commission, must be in addition to the regular test fee and calculated to cover the costs of the additional travel. If a test has been requested and the person requesting it fails to appear or to have the weighing or measuring device ready for testing at the arranged time, there is a charge of ten dollars a quarter hour for the time between the arranged time and the time at which the test can begin."

Page 3, line 12, after "INSPECTOR" insert "AND PUBLIC UTILITY ANALYST"

Page 3, line 13, replace "proceeds" with "proceed"

Page 3, line 14, replace "a" with "the"

Page 3, line 14, replace "position" with "and public utility analyst positions"

Page 3, line 14, replace "has" with "have"

Page 3, line 17, replace "This" with "Section 8 of this"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1008 - Public Service Commission - Conference Committee Action**

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$8,659,244	\$8,256,625	\$250,079	\$8,506,704	\$8,780,747	(\$274,043)
Operating expenses	1,977,397	1,977,397	(81,835)	1,895,562	1,933,062	(37,500)
Capital assets	88,665	51,165	37,500	88,665	88,665	
Grants	20,000	20,000		20,000	20,000	
Abandoned mined lands contractual	8,000,000	8,000,000		8,000,000	8,000,000	
Rail rate complaint case	900,000	900,000		900,000	900,000	
Accrued leave payments		168,278		168,278		168,278
Reclamation & Grain Licensing Litigation			900,000	900,000	1,000,000	(100,000)
<b>Total all funds</b>	<b>\$19,645,306</b>	<b>\$19,373,465</b>	<b>\$1,105,744</b>	<b>\$20,479,209</b>	<b>\$20,722,474</b>	<b>(\$243,265)</b>
Less estimated income	13,082,083	12,995,259	392,210	13,387,469	13,526,719	(139,250)
<b>General fund</b>	<b>\$6,563,223</b>	<b>\$6,378,206</b>	<b>\$713,534</b>	<b>\$7,091,740</b>	<b>\$7,195,755</b>	<b>(\$104,015)</b>
FTE	43.00	43.00	1.00	44.00	44.00	0.00

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

	Removes House Changes to Executive Compensation Package <sup>1</sup>	Adjusts State Employee Compensation and Benefits Package <sup>2</sup>	Adds Funding for Weights and Measures FTE Position <sup>3</sup>	Adjusts Line Item Funding <sup>4</sup>	Adjusts Funding for Litigation Costs <sup>5</sup>	Total Conference Committee Changes
Salaries and wages	\$257,681	(\$105,765)	\$98,163			\$250,079

Operating expenses		105,665	(37,500)	(150,000)	(81,835)	
Capital assets			37,500		37,500	
Grants						
Abandoned mined lands contractual						
Rail rate complaint case						
Accrued leave payments						
Reclamation & Grain Licensing				900,000	900,000	
Litigation						
Total all funds	\$257,681	(\$105,765)	\$203,828	\$0	\$750,000	\$1,105,744
Less estimated income	95,460	(39,250)	0	0	336,000	392,210
General fund	\$162,221	(\$66,515)	\$203,828	\$0	\$414,000	\$713,534
FTE	0.00	0.00	1.00	0.00	0.00	1.00

<sup>1</sup> Changes made by the House to the executive compensation package are removed.

<sup>2</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>3</sup> This amendment adds 1 FTE weights and measures position and the related funding, the same as the Senate version.

<sup>4</sup> This amendment does not restore the funding removed by the House for geographic information system and disk upgrades; however, it does adjust which line item the funding is removed from. The House removed the funding from the capital assets line item. The Senate restored the funding to the capital assets line item. The conference committee amendment restores the funding to the capital assets line item and removes it from the operating expenses line item.

<sup>5</sup> A new line item is added for litigation costs. Funding of \$150,000, \$86,000 of which is from the general fund, is transferred from the operating expenses line item and \$750,000, \$414,000 of which is from the general fund, is added to provide a total of \$900,000, of which \$500,000 is from the general fund. The executive budget recommendation provided a total of \$150,000 for litigation funding, of which \$86,000 was from the general fund. The litigation line item includes funding for litigation costs relating to the enforcement of the Public Service Commission's coal mining and reclamation program; abandoned mine lands reclamation program; and grain warehouse, grain buyer, and hay buyer licensing and insolvencies. The \$750,000 of additional funds is one-time funding. The Senate added \$850,000, of which \$414,000 is from the general fund. The conference committee reduced the additional federal funds to \$364,000 to provide a total of \$900,000 for litigation costs.

This amendment also:

- Amends Section 64-02-10 relating to the fee schedule of the large scale weights and measures program. This change is estimated to result in a \$200,000 reduction of general fund revenue for the 2013-15 biennium, the same as the Senate version.
- Removes Section 5 added by the House which required the Public Service Commission to transfer information technology equipment to the Information Technology Department, the same as the Senate version.
- Adds provisions that the commission proceed in hiring the new public utility analyst position prior to July 1, 2013, the same as the Senate version.
- Changes Section 3 to reduce the Public Service Commissioners' salary increases from a 4 percent annual increase to a 4 percent increase on July 1, 2013, and a 3 percent increase on July 1, 2014. The House provided annual salary increases of 3 percent. The Senate provided annual salary increases of 4 percent, the same as the executive recommendation.
- Provides for a Legislative Management study of the feasibility and desirability of the construction of a metrology laboratory.

Engrossed HB 1008 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1018, as engrossed:** Your conference committee (Sens. Krebsbach, Wardner, Mathern and Reps. Skarphol, Grande, Boe) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1340-1343, adopt amendments as follows, and place HB 1018 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1340-1343 of the House Journal and pages 1217-1219 of the Senate Journal and that Engrossed House Bill No. 1018 be amended as follows:

Page 1, line 2, after "society" insert "; and to provide for a report to the budget section"

Page 1, replace lines 11 through 21 with:

"Salaries and wages	\$9,477,860	\$2,039,850	\$11,517,710
Accrued leave payments	0	211,332	211,332
Operating expenses	2,387,016	379,000	2,766,016
Capital assets	1,620,736	128,989	1,749,725
Project pool	0	950,000	950,000
Grants	1,000,000	0	1,000,000
Cultural heritage grants	504,500	0	504,500
Yellowstone-Missouri-Fort Union	4,492	0	4,492
Total all funds	\$14,994,604	\$3,709,171	\$18,703,775
Less estimated income	2,900,413	321,551	3,221,964
Total general fund	\$12,094,191	\$3,387,620	\$15,481,811
Full-time equivalent positions	63.00	6.00	69.00"

Page 2, after line 9, insert:

"Project pool	0	950,000"
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Page 2, replace lines 14 through 16 with:

"Total all funds	\$1,590,700	\$1,250,000
Less estimated income	650,000	0
Total general fund	\$940,700	\$1,250,000"

Page 2, after line 29, insert:

**"SECTION 5. LAWRENCE WELK HOMESTEAD HISTORIC SITE PURCHASE - REPAIRS.** The project pool line item in section 1 of this Act includes funding that may be used to purchase the Lawrence Welk homestead. If the homestead is purchased, the state historical society shall determine repairs that must be completed by the property owners and negotiate with the property owners to have those repairs made prior to the state's purchase of the Lawrence Welk homestead, during the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 6. PROJECT POOL - REPORT TO BUDGET SECTION.** The state historical society shall report to the budget section on or before July 1, 2014, regarding the use of funds in the project pool line item in section 1 of this Act.

**SECTION 7. CONTINGENT FULL-TIME EQUIVALENT POSITION - LIMITED AUTHORIZATION.** The full-time equivalent positions line item in section 1 of this Act includes one full-time equivalent position that is contingent on the state historical society using funding included in the project pool line item in section 1 of this Act for a technology coordinator position. The position is authorized only for the biennium beginning July 1, 2013, and ending June 30, 2015. The state historical society shall reevaluate the position and determine if the position will be requested as part of the agency's 2015-17 biennium budget request as an optional item."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1018 - State Historical Society - Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$12,208,141	\$11,295,052	\$222,658	\$11,517,710	\$12,214,798	(\$697,088)
Operating expenses	2,816,016	2,766,016		2,766,016	3,201,016	(435,000)
Capital assets	2,014,725	1,749,725		1,749,725	2,614,725	(865,000)
Grants	1,000,000	1,000,000		1,000,000	1,000,000	
Cultural heritage grants	504,500	654,500	(150,000)	504,500	654,500	(150,000)
Yellowstone-Missouri-Fort Union Comm	4,492	4,492		4,492	4,492	
Accrued leave payments		211,332		211,332		211,332
Project pool			950,000	950,000		950,000
Total all funds	\$18,547,874	\$17,681,117	\$1,022,658	\$18,703,775	\$19,689,531	(\$985,756)
Less estimated income	3,246,503	3,197,471	24,493	3,221,964	3,247,235	(25,271)
General fund	\$15,301,371	\$14,483,646	\$998,165	\$15,481,811	\$16,442,296	(\$960,485)
FTE	69.00	68.00	1.00	69.00	69.00	0.00

#### Department No. 701 - State Historical Society - Detail of Conference Committee Changes

	Removes House Changes to Executive Compensation Package <sup>1</sup>	Adjusts State Employee Compensation and Benefits Package <sup>2</sup>	Adds Project Pool <sup>3</sup>	Reduces Funding for Cultural Heritage Grants <sup>4</sup>	Total Conference Committee Changes
Salaries and wages	\$459,386	(\$236,728)			\$222,658
Operating expenses					
Capital assets					
Grants					
Cultural heritage grants				(150,000)	(150,000)
Yellowstone-Missouri-Fort Union Comm					
Accrued leave payments					
Project pool			950,000		950,000
Total all funds	\$459,386	(\$236,728)	\$950,000	(\$150,000)	\$1,022,658
Less estimated income	49,764	(25,271)	0	0	24,493
General fund	\$409,622	(\$211,457)	\$950,000	(\$150,000)	\$998,165
FTE	0.00	0.00	1.00	0.00	1.00

<sup>1</sup> Changes made by the House to the executive compensation package are removed.

<sup>2</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>3</sup> Funding is added to create a funding pool for various projects (\$450,000) and temporary staff or an FTE position (\$500,000). Projects that may be considered by the department include:

- Stutsman County courthouse repairs.
- Lawrence Welk homestead property purchase and operating expenses.
- Fort Totten infirmary.
- State's 125th celebration.

<sup>4</sup> Funding added by the House for cultural grants is removed. The Senate did not remove this funding.

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

Sections are added relating to the project pool and a contingent FTE position included in the pool.

Engrossed HB 1018 was placed on the Seventh order of business on the calendar.

#### **MOTION**

**SEN. KLEIN MOVED** that SB 2020 and SB 2171 be placed at the bottom of the Seventh order, which motion prevailed.

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

**SEN. WANZEK MOVED** that the conference committee report on Engrossed SB 2015 as printed on SJ pages 1780-1782 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2015, as amended, was placed on the Eleventh order of business.

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

**SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide for refusal of admission of inmates; to provide for a legislative management study; to provide for a report to legislative management; to provide an exemption; and to amend and reenact subsection 2 of section 12.1-32-07 of the North Dakota Century Code, relating to supervision fees.

#### **ROLL CALL**

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

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

Reengrossed SB 2015 passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. ANDERSON MOVED** that the conference committee report on Reengrossed SB 2187 as printed on SJ pages 1783-1802 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2187, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2187:** A BILL for an Act to create and enact section 6-09-47 of the North Dakota Century Code, relating to a Bank of North Dakota medical facility infrastructure loan program; to provide for a report; to provide for a transfer; to provide a contingent appropriation; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

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

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

Reengrossed SB 2187 passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. KILZER MOVED** that the conference committee report on Engrossed SB 2004 as printed on SJ pages 1777-1779 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2004, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact section 14-02.1-01 of the North Dakota Century Code as amended in section 1 of Senate Bill No. 2368, as approved by the sixty-third legislative assembly, and the new section to chapter 14-02.1 of the North Dakota Century Code as created by section 3 of Senate Bill No. 2368, as approved by the sixty-third legislative assembly, relating to the state's compelling interest in the unborn human life from the time the unborn child is capable of feeling pain; to repeal chapter 23-17.5 and section 23-46-05 of the North Dakota Century Code, relating to health care provider cooperative agreements and state financial assistance for emergency medical services; to provide legislative intent; 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Oehlke

Reengrossed SB 2004 passed.

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**MOTION**

**SEN. KLEIN MOVED** that all Senate employees be compensated for Monday, April 15, 2013 while the Senate was in recess due to a winter storm. Whereas the employees have put in many hours of uncompensated overtime and will put in many more before the session adjourns, the Legislative Assembly feels they deserve to be paid for these days, which motion prevailed.

**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 2004, SB 2015, SB 2187.

**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 1038.

**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.

**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 failed to pass: SB 2018.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2001, SB 2019, SB 2242.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, May 1, 2013, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2014, as engrossed:** Your conference committee (Sens. Carlisle, Erbele, Warner and Reps. Thoreson, Hawken, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1499-1505, adopt amendments as follows, and place SB 2014 on the Seventh order:

That the House recede from its amendments as printed on pages 1499-1505 of the Senate Journal and pages 1566-1572 of the House Journal and that Engrossed Senate Bill No. 2014 be amended as follows:

Page 1, line 3, after the second semicolon insert "to provide a continuing appropriation;"

Page 1, line 4, after the semicolon insert "to create and enact a new section to chapter 6-09.15, a new subsection to section 6-09.15-01, a new section to chapter 54-45.5, and a new subsection to section 57-35.3-05 of the North Dakota Century Code, relating to a loan guarantee for child care facilities, housing incentive fund tax credits, and the energy conservation fund;"

Page 1, line 4, after "reenact" insert "subsection 1 of section 6-09.15-01, subsection 2 of section 54-17-40,"

Page 1, line 4, after "54-17.6-05" insert ", subsection 17 of section 54-44.3-20,"

Page 1, line 4, replace "54-18-19" with "57-38-01.32"

Page 1, line 5, after "to" insert "the beginning entrepreneur loan guarantee program,"

Page 1, line 6, after the third comma insert "the housing incentive fund, housing incentive fund credits,"

Page 1, line 6, remove the third "the"

Page 1, line 7, replace "transfer of North Dakota mill and elevator profits to the general fund" with "classified employees"

Page 1, line 9, after the semicolon insert "to provide an effective date; to provide an expiration date;"

Page 1, replace lines 21 and 22 with:

"Salaries and wages	\$12,059,220	\$5,814,656	\$17,873,876
Accrued leave payments	0	347,696	347,696
Operating expenses	3,378,744	2,551,832	5,930,576"

Page 2, replace lines 4 through 7 with:

"Total all funds	\$61,542,969	\$1,924,948	\$63,467,917
Less estimated income	<u>46,766,756</u>	<u>(5,792,964)</u>	<u>40,973,792</u>
Total general fund	\$14,776,213	\$7,717,912	\$22,494,125
Full-time equivalent positions	76.06	22.69	98.75"

Page 2, replace lines 12 through 15 with:

"Bank of North Dakota operations	\$45,587,155	\$5,936,761	\$51,523,916
Accrued leave payments	0	881,231	881,231
Capital assets	<u>1,266,000</u>	<u>(521,000)</u>	<u>745,000</u>
Total special funds	\$46,853,155	\$6,296,992	\$53,150,147
Full-time equivalent positions	176.50	3.00	179.50"

Page 3, replace lines 1 through 6 with:

"Salaries and wages	\$26,018,008	\$3,123,742	\$29,141,750
Accrued leave payments	0	575,807	575,807
Operating expenses	20,443,869	1,352,131	21,796,000
Contingencies	400,000	0	400,000
Agriculture promotion	<u>210,000</u>	<u>0</u>	<u>210,000</u>
Total from mill and elevator fund	\$47,071,877	\$5,051,680	\$52,123,557
Full-time equivalent positions	131.00	4.00	135.00"

Page 3, replace lines 11 through 16 with:

"Salaries and wages	\$6,516,277	\$918,600	\$7,434,877
Accrued leave payments	0	147,806	147,806
Operating expenses	5,114,849	(1,323,091)	3,791,758
Grants	26,858,920	2,674,130	29,533,050
Housing finance agency contingencies	<u>100,000</u>	<u>0</u>	<u>100,000</u>
Total special funds	\$38,590,046	\$2,417,445	\$41,007,491
Full-time equivalent positions	46.00	0.00	46.00"

Page 3, replace lines 21 through 23 with:

"Grand total general fund	\$24,176,213	\$18,831,159	\$43,007,372
Grand total special funds	<u>179,281,834</u>	<u>7,973,153</u>	<u>187,254,987</u>
Grand total all funds	\$203,458,047	\$26,804,312	\$230,262,359"

Page 4, replace line 8 with:

"Housing incentive fund		0	15,400,000"
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Page 4, remove line 10

Page 4, replace lines 14 through 16 with:

"Total all funds		\$38,299,400	\$16,560,800
Total special funds		<u>10,000,000</u>	<u>0</u>
Total general fund		\$28,299,400	\$16,560,800"

Page 6, line 15, replace "\$30,000,000" with "\$15,400,000"

Page 6, after line 24, insert:

**"SECTION 13. APPROPRIATION - DEPARTMENT OF COMMERCE.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing grants to homeless shelters, for the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 14. APPROPRIATION - DEPARTMENT OF COMMERCE.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,600,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing grants to child care facilities, for the biennium beginning July 1, 2013, and ending June 30, 2015. The department shall establish guidelines to qualify for a grant under this section which must include a matching requirement of one dollar of matching funds for every three dollars of grant funds and a maximum grant amount of \$187,500.

**SECTION 15. APPROPRIATION - STATE TREASURER.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$13,247, or so much of the sum as may be necessary, to the state treasurer for the purpose of defraying additional information technology development costs relating to changes in oil revenue distributions and other changes, for the biennium beginning July 1, 2013, and ending June 30, 2015."

Page 7, after line 21, insert:

**"SECTION 18. OIL AND GAS RESEARCH PROGRAM - OIL AND GAS DEVELOPMENT IMPACT STUDIES.** The industrial commission may use the sum of \$150,000, or so much of the sum as may be necessary, from the oil and gas research fund for nonmatching followup studies to provide updates and refinements to employment models used to track and forecast changes in the oil and gas industry workforce and estimate housing and population in the Williston basin and to make a comprehensive assessment of the demographic makeup of the current and expected oil and gas industry workforce."

Page 7, after line 27, insert:

**"SECTION 20. AMENDMENT.** Subsection 1 of section 6-09.15-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Beginning entrepreneur" means a resident of this state who:
  - a. Has graduated from high school or has received a general equivalency certificate.
  - b. Has had some training, by education or experience, in the type of revenue-producing enterprise which that person wishes to begin.
  - c. Has, including the net worth of that person's dependents and spouse, if any, a net worth of less than ~~two hundred thousand dollars~~ an amount determined by the Bank of North Dakota.

**SECTION 21.** A new subsection to section 6-09.15-01 of the North Dakota Century Code is created and enacted as follows:

"Child care provider" means a child care home, group, or center licensed by the department of human services.

**SECTION 22.** A new section to chapter 6-09.15 of the North Dakota Century Code is created and enacted as follows:

**Loan guarantee for child care facility.**

A beginning entrepreneur who receives a loan for a child care facility must be a child care provider.

**SECTION 23. AMENDMENT.** Subsection 2 of section 54-17-40 of the North Dakota Century Code is amended and reenacted as follows:

2. After a public hearing, the housing finance agency shall create an annual allocation plan for the distribution of the fund. At least twenty-five percent of the fund must be used to assist developing communities ~~with a population of not more than ten thousand individuals to address an unmet housing need or alleviate a housing shortage. At least fifty percent~~ A portion of the fund as determined by the housing finance agency in the annual allocation plan must be used to benefit households with incomes at not more than fifty percent of the area median individuals and families of low or moderate income. The agency may collect a reasonable administrative fee from the fund, project developers, applicants, or grant recipients.

Page 8, replace lines 17 through 24 with:

**"SECTION 25. AMENDMENT.** Subsection 17 of section 54-44.3-20 of the North Dakota Century Code is amended and reenacted as follows:

17. Engineers, engineering technicians, and geologists employed by the director of mineral resources.

**SECTION 26.** A new section to chapter 54-45.5 of the North Dakota Century Code is created and enacted as follows:

**Energy conservation grant fund - Continuing appropriation.**

The energy conservation grant fund is a special fund in the state treasury. All funds in the energy conservation grant fund are appropriated to the department on a continuing basis for the purpose of providing grants to political subdivisions for energy conservation projects in nonfederal public buildings. The department shall develop guidelines to qualify for a grant under this section which must include a requirement that projects have a combined payback period of ten years or less, a matching requirement of one dollar of matching funds for every dollar of grant funds, and a maximum grant amount of one hundred thousand dollars. Interest earned by the fund must be credited to the fund.

**SECTION 27.** A new subsection to section 57-35.3-05 of the North Dakota Century Code is created and enacted as follows:

There is allowed a credit against the tax imposed by sections 57-35.3-01 through 57-35.3-12 in an amount equal to the contribution to the housing incentive fund under section 54-17-40. For the purpose of the credit allowed in this subsection, subsections 2 through 8 of section 57-38-01.32 apply.

**SECTION 28. AMENDMENT.** Section 57-38-01.32 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-01.32. (Effective for the first two taxable years beginning after December 31, 2012) Housing incentive fund tax credit.**

1. A taxpayer is entitled to a credit as determined under this section against state income tax liability under section 57-38-30 or 57-38-30.3 for contributing to the housing incentive fund under section 54-17-40. The amount of the credit is equal to the amount contributed to the fund during the taxable year.

2. North Dakota taxable income must be increased by the amount of the contribution upon which the credit under this section is computed but only to the extent the contribution reduced federal taxable income.
3. The contribution amount used to calculate the credit under this section may not be used to calculate any other state income tax deduction or credit allowed by law.
4. If the amount of the credit exceeds the taxpayer's tax liability for the taxable year, the excess may be carried forward to each of the ten succeeding taxable years.
5. The aggregate amount of tax credits allowed to all eligible contributors is limited to ~~fifteen~~twenty million dollars per biennium. This limitation applies to all contributions for which tax credits are claimed under section 57-35.3-05 and this section.
6. Within thirty days after the date on which a taxpayer makes a contribution to the housing incentive fund, the housing finance agency shall file with each contributing taxpayer, and a copy with the tax commissioner, completed forms that show as to each contribution to the fund by that taxpayer the following:
  - a. The name, address, and social security number or federal employer identification number of the taxpayer that made the contribution.
  - b. The dollar amount paid for the contribution by the taxpayer.
  - c. The date the payment was received by the fund.
7. To receive the tax credit provided under this section, a taxpayer shall claim the credit on the taxpayer's state income or financial institutions tax return in the manner prescribed by the tax commissioner and file with the return a copy of the form issued by the housing finance agency under subsection 6.
8. Notwithstanding the time limitations contained in section 57-38-38, this section does not prohibit the tax commissioner from conducting an examination of the credit claimed and assessing additional tax due under section 57-38-38.
9. A partnership, subchapter S corporation, limited partnership, limited liability company, or any other passthrough entity making a contribution to the housing incentive fund under this section is considered to be the taxpayer for purposes of this section, and the amount of the credit allowed must be determined at the passthrough entity level. The amount of the total credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity."

Page 9, line 7, after "transferred" insert "no less than"

Page 9, line 10, after "transferred" insert "no less than"

Page 9, line 10, after the second "fund" insert "not to exceed one million two hundred thousand dollars per biennium"

Page 9, line 17, overstrike "energy"

Page 9, line 18, overstrike "conservation and"

Page 9, after line 22, insert:

"c. The department of commerce for the funding of programs for development of energy conservation and for the making of grants and loans relating to energy conservation."

Page 10, after line 9, insert:

**"SECTION 31. EMERGENCY COMMISSION - MILL AND ELEVATOR ASSOCIATION.** The salaries and wages line item in subdivision 4 of section 1 of this Act includes \$232,681 for overtime pay. Notwithstanding chapter 54-16, the mill and elevator association may request additional appropriation authority from the emergency commission if the funds provided for overtime pay are not sufficient for the beginning July 1, 2013, and ending June 30, 2015 biennium.

**SECTION 32. MILL AND ELEVATOR PROFITS - TRANSFER TO THE GENERAL FUND.** Notwithstanding any other provision of law, the industrial commission shall transfer to the state general fund 50 percent of the annual earnings and undivided profits of the North Dakota mill and elevator association after any transfers to other state agricultural-related programs or the sum of \$6,817,200, whichever is less, during the biennium beginning July 1, 2013, and ending June 30, 2015. The moneys must be transferred on an annual basis in the amounts and at the times requested by the director of the office of management and budget."

Page 10, after line 20, insert:

**"SECTION 35. EFFECTIVE DATE - EXPIRATION DATE.** Sections 27 and 28 of this Act are effective for the first two taxable years beginning after December 31, 2012, and are thereafter ineffective."

Page 10, line 21, replace "Sections" with "The amount of \$61,751 and five full-time equivalent positions included in subdivision 1 of section 1 and sections"

Page 10, line 21, replace "11" with "10"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2014 - Summary of Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
State Treasurer						
Total all funds	\$0	\$0	\$13,247	\$13,247	\$0	\$13,247
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$13,247	\$13,247	\$0	\$13,247
Industrial Commission						
Total all funds	\$63,356,975	\$63,529,688	(\$61,771)	\$63,467,917	\$62,746,253	\$721,664
Less estimated income	40,937,857	40,951,674	22,118	40,973,792	40,915,821	57,971
General fund	\$22,419,118	\$22,578,014	(\$83,889)	\$22,494,125	\$21,830,432	\$663,693
Bank of North Dakota						
Total all funds	\$52,452,928	\$52,606,408	\$543,739	\$53,150,147	\$51,682,968	\$1,467,179
Less estimated income	52,452,928	52,606,408	543,739	53,150,147	51,682,968	1,467,179
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Housing Finance Agency						
Total all funds	\$40,862,039	\$70,869,907	(\$14,462,416)	\$56,407,491	\$40,630,404	\$15,777,087
Less estimated income	40,862,039	40,869,907	137,584	41,007,491	40,630,404	377,087
General fund	\$0	\$30,000,000	(\$14,600,000)	\$15,400,000	\$0	\$15,400,000
Mill and Elevator						
Total all funds	\$52,255,124	\$52,255,124	(\$131,567)	\$52,123,557	\$51,653,858	\$469,699
Less estimated income	52,255,124	52,255,124	(131,567)	52,123,557	51,653,858	469,699
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Department of Commerce						
Total all funds	\$0	\$500,000	\$4,600,000	\$5,100,000	\$2,500,000	\$2,600,000
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$500,000	\$4,600,000	\$5,100,000	\$2,500,000	\$2,600,000
Bill total						

Total all funds	\$208,927,066	\$239,761,127	(\$9,498,768)	\$230,262,359	\$209,213,483	\$21,048,876
Less estimated income	186,507,948	186,683,113	571,874	187,254,987	184,883,051	2,371,936
General fund	\$22,419,118	\$53,078,014	(\$10,070,642)	\$43,007,372	\$24,330,432	\$18,676,940

### Senate Bill No. 2014 - State Treasurer - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Information technology costs			\$13,247	\$13,247		\$13,247
Total all funds	\$0	\$0	\$13,247	\$13,247	\$0	\$13,247
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$13,247	\$13,247	\$0	\$13,247
FTE	0.00	0.00	0.00	0.00	0.00	0.00

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

	Adds Funding for Information Technology Costs <sup>1</sup>	Total Conference Committee Changes
Information technology costs	\$13,247	\$13,247
Total all funds	\$13,247	\$13,247
Less estimated income	0	0
General fund	\$13,247	\$13,247
FTE	0.00	0.00

<sup>1</sup> Funding for additional information technology development costs is added relating to changes in oil revenue distributions and other changes.

### Senate Bill No. 2014 - Industrial Commission - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$17,710,630	\$17,883,343	(\$9,467)	\$17,873,876	\$17,152,212	\$721,664
Operating expenses	6,330,576	6,330,576	(400,000)	5,930,576	5,930,576	
Capital assets	5,800	5,800		5,800	5,800	
Grants - Lignite research	19,500,000	19,500,000		19,500,000	19,500,000	
Grants - Bond payments	19,809,969	19,809,969		19,809,969	19,809,969	
Accrued leave payments			347,696	347,696	347,696	
Total all funds	\$63,356,975	\$63,529,688	(\$61,771)	\$63,467,917	\$62,746,253	\$721,664
Less estimated income	40,937,857	40,951,674	22,118	40,973,792	40,915,821	57,971
General fund	\$22,419,118	\$22,578,014	(\$83,889)	\$22,494,125	\$21,830,432	\$663,693
FTE	98.75	98.75	0.00	98.75	98.75	0.00

### Department No. 405 - Industrial Commission - Detail of Conference Committee Changes

	Removes House Changes to Executive Compensation Package <sup>1</sup>	Adjusts State Employee Compensation and Benefits Package <sup>2</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>3</sup>	Adds Funding for Hiring FTE Early <sup>4</sup>	Removes Funding for Oil Impact <sup>5</sup>	Total Conference Committee Changes
Salaries and wages	\$445,186	(\$168,708)	(\$347,696)	\$61,751		(\$9,467)
Operating expenses					(400,000)	(400,000)
Capital assets						
Grants - Lignite research						
Grants - Bond payments						
Accrued leave payments			347,696			347,696
Total all funds	\$445,186	(\$168,708)	\$0	\$61,751	(\$400,000)	(\$61,771)
Less estimated income	35,853	(13,735)	0	0	0	22,118
	\$409,333	(\$154,973)	\$0	\$61,751	(\$400,000)	(\$83,889)

General fund						
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Changes made by the House to the executive compensation package are removed.

<sup>2</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>3</sup> A portion of salaries and wages funding from the general fund (\$323,357) and from other funds (\$24,339) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>4</sup> Funding is added to allow the Department of Mineral Resources to hire five of its new FTE positions during the 2011-13 biennium, the same as the House version.

<sup>5</sup> Funding included in the executive budget recommendation for housing allowances for employees in oil-impacted areas is removed, the same as the House version.

A section is added to provide an emergency clause for five new FTE positions, the same as the House version.

A section is added relating to the oil and gas research program, the same as the House version.

A section is added to unclassify engineering technicians of the Department of Mineral Resources, the same as the House version.

A section added by the Senate relating to distribution of the resources trust fund but removed by the House is included.

A section is added to create the energy conservation fund, and a section is changed to limit deposits into the fund to \$1.2 million per biennium.

**Senate Bill No. 2014 - Bank of North Dakota - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Capital assets	\$745,000	\$745,000		\$745,000	\$745,000	
BND operations	51,707,928	51,861,408	(337,492)	51,523,916	50,056,737	1,467,179
Accrued leave payments			881,231	881,231	881,231	
Total all funds	\$52,452,928	\$52,606,408	\$543,739	\$53,150,147	\$51,682,968	\$1,467,179
Less estimated income	52,452,928	52,606,408	543,739	53,150,147	51,682,968	1,467,179
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	179.50	179.50	0.00	179.50	179.50	0.00

**Department No. 471 - Bank of North Dakota - Detail of Conference Committee Changes**

	Removes House Changes to Executive Compensation Package <sup>1</sup>	Adjusts State Employee Compensation and Benefits Package <sup>2</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>3</sup>	Total Conference Committee Changes
Capital assets				
BND operations	923,440	(379,701)	(881,231)	(337,492)
Accrued leave payments			881,231	881,231
Total all funds	\$923,440	(\$379,701)	\$0	\$543,739
Less estimated income	923,440	(379,701)	0	543,739
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Changes made by the House to the executive compensation package are removed.

<sup>2</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>3</sup> A portion of salaries and wages funding for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

Sections are added relating to the beginning entrepreneur loan guarantee program.

### Senate Bill No. 2014 - Housing Finance Agency - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$7,437,231	\$7,445,099	(\$10,222)	\$7,434,877	\$7,057,790	\$377,087
Operating expenses	3,791,758	3,791,758		3,791,758	3,791,758	
Grants	29,533,050	29,533,050		29,533,050	29,533,050	
HFA contingencies	100,000	100,000		100,000	100,000	
Housing incentive fund <sup>30</sup>		30,000,000	(14,600,000)	15,400,000		15,400,000
Accrued leave payments			147,806	147,806	147,806	
Total all funds	\$40,862,039	\$70,869,907	(\$14,462,416)	\$56,407,491	\$40,630,404	\$15,777,087
Less estimated income	40,862,039	40,869,907	137,584	41,007,491	40,630,404	377,087
General fund	\$0	\$30,000,000	(\$14,600,000)	\$15,400,000	\$0	\$15,400,000
FTE	46.00	46.00	0.00	46.00	46.00	0.00

### Department No. 473 - Housing Finance Agency - Detail of Conference Committee Changes

	Removes House Changes to Executive Compensation Package <sup>1</sup>	Adjusts State Employee Compensation and Benefits Package <sup>2</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>3</sup>	Reduces Transfer to Housing Incentive Fund <sup>4</sup>	Total Conference Committee Changes
Salaries and wages	\$239,503	(\$101,919)	(\$147,806)		(\$10,222)
Operating expenses					
Grants					
HFA contingencies					
Housing incentive fund <sup>30</sup>				(14,600,000)	(14,600,000)
Accrued leave payments			147,806		147,806
	\$239,503	(\$101,919)	\$0	(\$14,600,000)	(\$14,462,416)

Total all funds					
Less estimated income	239,503	(101,919)	0	0	137,584
General fund	\$0	\$0	\$0	(\$14,600,000)	(\$14,600,000)
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Changes made by the House to the executive compensation package are removed.

<sup>2</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>3</sup> A portion of salaries and wages funding for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>4</sup> Funding included by the Senate for a \$30 million transfer from the general fund to the housing incentive fund is reduced to \$15.4 million. The House removed the full \$30 million.

Sections are added relating to the housing incentive tax credit and the effective and expiration dates for the credits.

#### Senate Bill No. 2014 - Mill and Elevator - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$29,849,124	\$29,849,124	(\$707,374)	\$29,141,750	\$28,672,051	\$469,699
Operating expenses	21,796,000	21,796,000		21,796,000	21,796,000	
Contingencies	400,000	400,000		400,000	400,000	
Agriculture promotion	210,000	210,000		210,000	210,000	
Accrued leave payments			575,807	575,807	575,807	
Total all funds	\$52,255,124	\$52,255,124	(\$131,567)	\$52,123,557	\$51,653,858	\$469,699
Less estimated income	52,255,124	52,255,124	(131,567)	52,123,557	51,653,858	469,699
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	135.00	135.00	0.00	135.00	135.00	0.00

#### Department No. 475 - Mill and Elevator - Detail of Conference Committee Changes

	Removes House Changes to Executive Compensation Package <sup>1</sup>	Adjusts State Employee Compensation and Benefits Package <sup>2</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>3</sup>	Reduces Funding for Overtime <sup>4</sup>	Total Conference Committee Changes
Salaries and wages	\$135,905	(\$34,792)	(\$575,807)	(\$232,680)	(\$707,374)
Operating expenses					
Contingencies					
Agriculture promotion					
Accrued leave payments			575,807		575,807
Total all funds	\$135,905	(\$34,792)	\$0	(\$232,680)	(\$131,567)
Less estimated income	135,905	(34,792)	0	(232,680)	(131,567)
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Changes made by the House to the executive compensation package are removed.

<sup>2</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>3</sup> A portion of salaries and wages funding for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>4</sup> Funding included in the executive budget recommendation for overtime pay is removed.

A section included in the executive budget recommendation relating to reducing the transfer of mill profits to the general fund is removed resulting in an additional \$6,817,200 of projected general fund revenue for the 2013-15 biennium, the same as the House. A section is added to limit the transfer from the mill profits to the \$6,817,200 for the 2013-15 biennium.

#### Senate Bill No. 2014 - Department of Commerce - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Market Study		\$500,000		\$500,000	\$500,000	
Homeless shelter grants			2,000,000	2,000,000	2,000,000	
Childcare facilities			2,600,000	2,600,000		2,600,000
Total all funds	\$0	\$500,000	\$4,600,000	\$5,100,000	\$2,500,000	\$2,600,000
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$500,000	\$4,600,000	\$5,100,000	\$2,500,000	\$2,600,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

#### Department No. 601 - Department of Commerce - Detail of Conference Committee Changes

	Adds Funding for Grants to Homeless Shelters <sup>1</sup>	Adds Funding for Grants to Child Care Facilities <sup>2</sup>	Total Conference Committee Changes
Market Study			
Homeless shelter grants	2,000,000		2,000,000
Childcare facilities		2,600,000	2,600,000
Total all funds	\$2,000,000	\$2,600,000	\$4,600,000
Less estimated income	0	0	0
General fund	\$2,000,000	\$2,600,000	\$4,600,000
FTE	0.00	0.00	0.00

<sup>1</sup> Funding is added for grants to homeless shelters.

<sup>2</sup> Funding is added for grants to child care facilities.

Engrossed SB 2014 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1038, as reengrossed:** Your conference committee (Sens. J. Lee, Dever, Mathern and

Reps. Hofstad, Fehr, Wieland) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1684-1686, adopt amendments as follows, and place HB 1038 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1684-1686 of the House Journal and pages 1410-1412 of the Senate Journal and that Reengrossed House Bill No. 1038 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the establishment of an autism spectrum disorder database and an autism spectrum disorder voucher program pilot project; to provide for the expansion of the autism spectrum disorder medicaid waiver; to provide for a legislative management study; to provide for reports to the legislative management; to provide an appropriation; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.**

**Autism spectrum disorder database - Rulemaking - Confidentiality.**

1. The state department of health shall establish and administer an autism spectrum disorder database. The database must include a record of all reported cases of autism spectrum disorder in the state and any other information determined relevant and appropriate by the department in order to complete epidemiologic surveys of the autism spectrum disorder, enable research and analysis of the autism spectrum disorder, and provide services to individuals with an autism spectrum disorder.
2. The state department of health shall establish criteria regarding who is qualified to report a case of autism spectrum disorder to the database. In establishing this criteria, the department shall require that the reporter be a doctoral-level professional and be appropriately licensed, credentialed, and experienced in the field of autism spectrum disorder, including intellectual testing and other formal evidenced-based assessments for autism spectrum disorders. The department shall consult with experts in establishing this criteria.
3. The database established under this section must:
  - a. Include the reported individual's diagnoses under the most recent edition of the American psychiatric association's diagnostic and statistical manual of mental disorders; and
  - b. Include a complete physical evaluation of the reported individual, performed by a licensed physician.
4. The health council shall adopt rules to provide for mandatory reporting to the autism spectrum disorder database and to establish reporting requirements, including timeliness requirements.
5. The state department of health shall keep confidential all records of the database which could be used to identify a reported individual; however, the department may provide these records to other state agencies as necessary to effect the purposes of this database without regard to the confidential nature of the records. If the department provides confidential records of the database to a state agency, the department shall notify the receiving agency of the confidential nature of the records and the receiving agency shall treat these records as confidential.

**SECTION 2.**

**Autism spectrum disorder voucher program pilot project - Legislative management report - Appeal.**

1. The department of human services shall establish a voucher program pilot project beginning July 1, 2014, to assist in funding equipment and general educational needs related to autism spectrum disorder for individuals below two hundred percent of the federal poverty level from age three to under age eighteen who have been diagnosed with autism spectrum disorder. The program may include funding for assistive technology; video modeling videos or equipment; language-generating devices; training and educational material for parents; parenting education; sensory equipment; tutors; safety equipment; travel tools; self-care equipment; timers; visual representation systems; respite care; specialized daycare; language comprehension equipment; and registration and related expenses for workshops and training to improve independent living skills, employment opportunities, and other executive or social skills.
2. The department shall adopt rules addressing management of this voucher program pilot project and establishing the eligibility requirements and exclusions for this voucher program pilot project. The program may not provide a voucher for early intensive behavioral intervention, including applied behavioral analysis, intensive early interventional behavioral therapy, intensive behavioral intervention, the Lovaas method, the Denver model, LEAP (learning experiences - an alternative program for preschoolers and parents), TEACCH (treatment and education of autistic and related communication handicapped children), pivotal response training, or discrete trial training.
3. A decision on a voucher application which is issued by the department under this section may be appealed as provided under chapter 28-32.
4. The department of human services shall report to the legislative management regarding the autism spectrum disorder program pilot project.

**SECTION 3. DEPARTMENT OF HUMAN SERVICES AUTISM SPECTRUM DISORDER MEDICAID WAIVER.** The department of human services, during the biennium beginning July 1, 2013, and ending June 30, 2015, shall seek approval from the federal centers for medicare and medicaid services to expand the department's autism spectrum disorder medicaid waiver to cover seventeen additional individuals from birth through age seven. The expansion to the waiver must become effective on or after January 1, 2014, and must include appropriate behavior intervention and treatment services that may include evidence-based and promising practices, case management services, technology and technology-based support, in-home support, equipment and supplies, home monitoring, respite care, residential supports and services, and behavioral consultation.

**SECTION 4. LEGISLATIVE MANAGEMENT STUDY - AUTISM SPECTRUM DISORDER SERVICES.** The legislative management shall consider studying, during the 2013-14 interim, autism spectrum disorder services, including the most feasible service delivery system for individuals not served in the developmental disability system who have an autism spectrum disorder. As part of the study, the legislative management may consult with clinicians who have expertise in the evaluation, diagnosis, and treatment of autism spectrum disorder. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

**SECTION 5. APPROPRIATION - STATE DEPARTMENT OF HEALTH - AUTISM SPECTRUM DISORDER DATABASE.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$235,732, or so much of the sum as may be necessary, to the state department of health for the purpose of establishing and administering an autism spectrum disorder database, for the biennium beginning July 1, 2013, and ending June 30, 2015. The

state department of health is authorized one full-time equivalent position for this purpose.

**SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATE AUTISM COORDINATOR.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$132,568, or so much of the sum as may be necessary, and from special funds derived from federal funds and other income, the sum of \$132,568, or so much of the sum as may be necessary, to the department of human services for the purpose of hiring a state autism coordinator who would be responsible for implementing a resource and service center to provide information and services for individuals with autism spectrum disorder, developing a statewide outreach plan, conducting regional meetings and a conference, and developing a protocol for use after screenings, for the biennium beginning July 1, 2013, and ending June 30, 2015. The department of human services is authorized one full-time equivalent position for this purpose.

**SECTION 7. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATEWIDE AUTISM SPECTRUM DISORDER TRAINING PROGRAM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$80,000, or so much of the sum as may be necessary, and from special funds derived from federal funds and other income, the sum of \$80,000, or so much of the sum as may be necessary, to the department of human services for the purpose of implementing a statewide autism spectrum disorder training program. The department of human services shall collaborate with the state department of health and the superintendent of public instruction to implement a training program, including training of medical and behavior health providers, education staff, childcare providers, and parents for the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 8. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - AUTISM SPECTRUM DISORDER VOUCHER PROGRAM PILOT PROJECT.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$539,186, or so much of the sum as may be necessary, to the department of human services for the purpose of issuing vouchers as part of the autism spectrum disorder voucher program pilot project, for the second year of the biennium beginning July 1, 2013, and ending June 30, 2015. The department shall allocate up to \$12,500 per year to each individual enrolled in the voucher program for paying the costs of eligible services.

**SECTION 9. DEPARTMENT OF HUMAN SERVICES - APPROPRIATION - AUTISM SPECTRUM DISORDER MEDICAID WAIVER.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$449,973, or so much of the sum as may be necessary, and from special funds derived from federal funds and other income, the sum of \$449,973, or so much of the sum as may be necessary, to the department of human services for the purpose of expanding the department's autism spectrum disorder medicaid waiver program, for the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 10. EXPIRATION DATE.** Section 2 of this Act is effective through June 30, 2015, and after that date is ineffective."

Renumber accordingly

Reengrossed HB 1038 was placed on the Seventh order of business on the calendar.

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

**William R. Horton, Secretary**