

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, February 6, 2009

The Senate convened at 12:30 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Steve Wisthoff, First Baptist Church, Bismarck.

The roll was called and all members were present except Senators Lindaas and Robinson.

A quorum was declared by the President.

## COMMUNICATION

**MR. PRESIDENT:** Pursuant to Senate Rule 329, SB 2199, SB 2336, and SB 2388 were deemed under the jurisdiction of the Senate Appropriations Committee at the end of the twenty-third legislative day.

## CONSIDERATION OF AMENDMENTS

**SB 2051: SEN. DOTZENROD (Finance and Taxation Committee) MOVED** that the amendments on SJ page 287 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2062: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ pages 287-289 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2160: SEN. OEHLKE (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 289-290 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2221: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments on SJ page 292 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2272: SEN. BEHM (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 293-294 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2283: SEN. HECKAMAN (Human Services Committee) MOVED** that the amendments on SJ page 294 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2338: SEN. TRIPLET (Finance and Taxation Committee) MOVED** that the amendments on SJ page 296 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2378: SEN. NODLAND (Transportation Committee) MOVED** that the amendments on SJ page 298 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2381: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ pages 298-299 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2408: SEN. POTTER (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 299 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2412: SEN. POMEROY (Human Services Committee) MOVED** that the amendments on SJ page 300 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2415: SEN. LYSON (Judiciary Committee) MOVED** that the amendments on SJ page 300 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2419: SEN. WANZEK (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 300 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2426: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 300-301 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2022: SEN. BOWMAN (Appropriations Committee) MOVED** that the amendments on SJ page 285 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2025: SEN. KILZER (Appropriations Committee) MOVED** that the amendments on SJ page 285 be adopted and then be placed on the Eleventh order with **DO PASS**.

**REQUEST**

**SEN. BAKKE REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2025, which request was granted.

**ROLL CALL**

The question being the motion to adopt the amendments to SB 2025, the roll was called and there were 27 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjerm; Wanzek; Wardner

**NAYS:** Anderson; Bakke; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Schneider; Seymour; Taylor; Triplett; Warner

**ABSENT AND NOT VOTING:** Lindaas; Robinson

The motion to adopt the amendments to SB 2025 passed.

**CONSIDERATION OF AMENDMENTS**

**SB 2033: SEN. MILLER (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 285-287 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2168: SEN. J. LEE (Human Services Committee) MOVED** that the amendments on SJ page 290 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2171: SEN. OLAFSON (Judiciary Committee) MOVED** that the amendments on SJ page 291 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2186: SEN. HOGUE (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 291-292 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2269: SEN. DOTZENROD (Finance and Taxation Committee) MOVED** that the amendments on SJ page 293 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2304: SEN. HECKAMAN (Human Services Committee) MOVED** that the amendments on SJ pages 295-296 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2310: SEN. HORNE (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 296 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2362: SEN. DEVER (Human Services Committee) MOVED** that the amendments on SJ page 297 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2369: SEN. TRIPLETT (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 297-298 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2374: SEN. MILLER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 298 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2405: SEN. WANZEK (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 299 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2431: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 301 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2432: SEN. WANZEK (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 301-302 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2370:** A BILL for an Act to provide for a legislative council study of the feasibility and desirability of transferring from the county to the state the responsibility for the cost of expert examinations and the cost and responsibility for providing legal counsel in mental health commitment cases.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Flakoll

**ABSENT AND NOT VOTING:** Lindaas; Robinson

Engrossed SB 2370 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2389:** A BILL for an Act to amend and reenact sections 15-10-01, 15-16-01, and 15-17-03 of the North Dakota Century Code, relating to a name change for the school of forestry at Bottineau.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Cook; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Mathern; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Schneider; Seymour; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Christmann; Dever; Klein; Miller; Stenehjem

**ABSENT AND NOT VOTING:** Lindaas; Robinson

SB 2389 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2314:** A BILL for an Act to amend and reenact section 26.1-36-37.2 of the North Dakota Century Code, relating to accident and health insurance loss ratios.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Fiebiger; Grindberg; Krauter; Marcellais; Mathern; Nelson; Pomeroy; Potter; Schneider; Seymour; Taylor; Triplett; Warner

**NAYS:** Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Stenehjem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Lindaas; Robinson

SB 2314 lost.

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### SECOND READING OF SENATE BILL

**SB 2386:** A BILL for an Act to amend and reenact subsections 10, 25, and 29 of section 65-01-02 and section 65-05-15 of the North Dakota Century Code, relating to workers' compensation definitions for compensable injury, permanent total disability, and temporary total disability and workers' compensation aggravation awards.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Mathern; Nelson; O'Connell; Pomeroy; Potter; Schneider; Taylor

**NAYS:** Anderson; Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Miller; Nething; Nodland; Oehlke; Olafson; Seymour; Stenehjem; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Lindaas; Robinson

SB 2386 lost.

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

**SB 2434:** A BILL for an Act to amend and reenact section 1 of section 65-05-08 of the North Dakota Century Code, relating to reapplication for workers' compensation disability benefits.

### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Behm; Heckaman; Horne; Marcellais; Mathern; Nelson; O'Connell; Potter; Schneider

**NAYS:** Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Pomeroy; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Lindaas; Robinson

SB 2434 lost.

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

**SB 2435:** A BILL for an Act to amend and reenact section 65-05-04 of the North Dakota Century Code, relating to the exercise of continuing jurisdiction by workforce safety and insurance.

### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Behm; Fiebiger; Heckaman; Horne; Mathern; O'Connell; Schneider; Seymour

**NAYS:** Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Potter; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Lindaas; Robinson

SB 2435 lost.

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

**SB 2330:** A BILL for an Act to amend and reenact sections 26.1-25.1-02 and 26.1-25.1-03 of the North Dakota Century Code, relating to the use of credit information to take adverse actions against consumers' personal insurance; to repeal sections 26.1-25.1-04, 26.1-25.1-05, 26.1-25.1-06, 26.1-25.1-07, 26.1-25.1-09, 26.1-25.1-10, and 26.1-25.1-11 of the North Dakota Century Code, relating to the use of credit information to take adverse actions against consumers' personal insurance; and to provide for application.

### **ROLL CALL**

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

**YEAS:** Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Krauter; Marcellais; Mathern; Nelson; O'Connell; Oehlke; Pomeroy; Potter; Taylor; Triplett; Warner

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Olafson; Schneider; Seymour; Stenehjem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Lindaas; Robinson

SB 2330 lost.

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#### SECOND READING OF SENATE BILL

**SB 2276:** A BILL for an Act to amend and reenact section 26.1-36-37.2 of the North Dakota Century Code, relating to disclosure of accident and health insurance loss ratios.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Schneider; Seymour; Taylor; Triplett; Warner

**NAYS:** Anderson; Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Lindaas; Robinson

SB 2276 lost.

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#### SECOND READING OF SENATE BILL

**SB 2285:** A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to creation of department of commerce satellite offices on Indian reservations.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Schneider; Seymour; Taylor; Triplett; Warner

**NAYS:** Anderson; Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Lindaas; Robinson

SB 2285 lost.

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#### SECOND READING OF SENATE BILL

**SB 2406:** A BILL for an Act relating to the comprehensive statewide tobacco prevention and control plan; and to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to qualified college savings plans for tobacco-free students.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Flakoll; Grindberg; Horne; Klein; Lee, G.; Lee, J.; Miller; Nething; Potter; Schneider; Seymour; Triplett; Wanzek

**NAYS:** Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Krauter; Krebsbach; Lyson; Marcellais; Mathern; Nelson; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Stenehjerm; Taylor; Wardner; Warner

**ABSENT AND NOT VOTING:** Lindaas; Robinson

SB 2406 lost.

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#### MOTION

**SEN. CHRISTMANN MOVED** that SB 2409 be placed at the top of the Eleventh order, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2409:** A BILL for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to motor vehicle excise tax; and to amend and reenact section 39-22-17 of the North Dakota Century Code, relating to rental plates.

#### ROLL CALL

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

**YEAS:** Mathern

**NAYS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Lindaas; Robinson

SB 2409 lost.

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#### SECOND READING OF SENATE BILL

**SB 2274:** A BILL for an Act to amend and reenact section 26.1-36-44 of the North Dakota Century Code, relating to health insurance independent external reviews requested by providers.

#### ROLL CALL

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Lindaas; Robinson

SB 2274 passed and the title was agreed to.

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#### MOTION

**SEN. CHRISTMANN MOVED** that SB 2199 be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2199 was rereferred.

#### MOTION

**SEN. CHRISTMANN MOVED** that SB 2388 be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2388 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2336 be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2336 was rereferred.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2097, SB 2123, SB 2209, SB 2232, SB 2248, SB 2293, SB 2375.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1032, HB 1121, HB 1227, HB 1233, HB 1240, HB 1244, HB 1264, HB 1343, HB 1438, HB 1449.

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

**MR. PRESIDENT:** The House has passed unchanged: SRM 8501.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 9, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2039: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2039 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2040: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2040 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "two new subsections to section 57-39.2-01 and"

Page 1, line 2, after "to" insert "the definition of telecommunications company and telecommunications service and to"

Page 1, line 3, after "development" insert "; to provide for a legislative council study; and to provide an expiration date"

Page 1, after line 4, insert:

**"SECTION 1.** Two new subsections to section 57-39.2-01 of the North Dakota Century Code are created and enacted as follows:

"Telecommunications company" means a person engaged in the furnishing of telecommunications service within this state.

"Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value-added. The term does not include:

- a. Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where the purchaser's primary purpose for the underlying transaction is the processed data or information;
- b. Installation or maintenance of wiring or equipment on a customer's premises;



- c. Tangible personal property;
- d. Advertising, including directory advertising;
- e. Billing and collection services provided to third parties;
- f. Internet access service;
- g. Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include cable service as defined in 47 U.S.C. 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3;
- h. Ancillary services; or
- i. Digital products delivered electronically, including software, music, video, reading materials, and ringtones."

Page 1, line 9, remove "exclusively in"

Page 1, line 10, replace "expanding or constructing" with "to construct or expand"

Page 1, line 11, after the underscored period insert "To be exempt, the tangible personal property must be incorporated into telecommunications service infrastructure owned by a telecommunications company."

Page 1, line 12, replace "the purchaser of the property" with "a telecommunications company"

Page 1, line 15, remove "owner of the"

Page 1, line 16, replace "service infrastructure" with "company"

Page 1, after line 21, insert:

**"SECTION 3. LEGISLATIVE COUNCIL STUDY OF TELECOMMUNICATIONS TAXES.** During the 2009-10 interim, the legislative council shall consider studying all taxes imposed on telecommunications services in this state. The legislative council shall analyze all taxes and fees imposed on providers and consumers of telecommunications services, evaluate the fairness of the taxes, and determine if the tax structure impacts the business climate and economic development of the state. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-second legislative assembly.

**SECTION 4. EXPIRATION DATE.** This Act is effective through June 30, 2011, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2048: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2048 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "23-16" with "23-01.2"

Page 1, line 6, replace "23-16" with "23-01.2"

Page 1, replace lines 8 through 12 with:

**"Trauma center designation.**

1. Effective January 1, 2011, a hospital that offers emergency services to the public shall meet trauma center designation standards and participate in the trauma system.

2. The state health council shall adopt rules that allow provisional trauma designation status for a hospital that is partially compliant with trauma designation standards. When issuing a provisional trauma designation, the state health council shall allow a reasonable amount of time, determined by the department, for a hospital to fully meet all trauma designation standards."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2064: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2064 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2133: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2133 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2154: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2154 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "sections 54-52-02.9 and 54-52-27," and after "54-52.1-03.2" insert a comma

Page 1, line 2, after "to" insert "participation in the public employees retirement system, purchase of sick leave credit, and"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 54-52-02.9 of the North Dakota Century Code is amended and reenacted as follows:

**54-52-02.9. Participation by temporary employees.** A temporary employee may elect, within one hundred eighty days of beginning employment, to participate in the public employees retirement system and receive credit for service after enrollment. The temporary employee shall pay monthly to the fund an amount equal to eight and twelve-hundredths percent times the temporary employee's present monthly salary. The temporary employee shall also pay the required monthly contribution to the retiree health benefit fund established under section 54-52.1-03.2 ~~one percent times the temporary employee's present monthly salary~~. This contribution must be recorded as a member contribution pursuant to section 54-52.1-03.2. An employer may not pay the temporary employee's contributions. A temporary employee may continue to participate as a temporary employee in the public employees retirement system until termination of employment or reclassification of the temporary employee as a permanent employee. A temporary employee may not purchase any additional credit, including additional credit under section 54-52-17.4 or past service under section 54-52-02.6.

**SECTION 2. AMENDMENT.** Section 54-52-27 of the North Dakota Century Code is amended and reenacted as follows:

**54-52-27. Purchase of sick leave credit.** A member is entitled to credit in the retirement system for each month of unused sick leave, as certified by the member's employer, if the member or the member's employer pays an amount equal to the member's final average salary, times the number of months of sick leave converted, times the percent of employer and employee contributions to the retirement program of the member, plus ~~one percent~~ the required contribution for the retiree health benefits program. Hours of sick leave equal to a fraction of a month are deemed to be a full month for purposes of conversion to service credit. A member may convert all of the member's certified sick leave or a part of the member's certified sick leave. All conversion payments must be made within sixty days of termination of employment and before the member receives a retirement annuity unless the member has submitted an approved payment plan to the board."

Page 2, line 7, replace "one-quarter" with "twenty-four hundredths"

Page 2, line 16, remove the overstrike over "~~two-and~~", after "~~eighty-five~~" insert "ninety-nine", remove the overstrike over "~~hundredths~~", and remove "~~three~~"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2198: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2198 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "three new sections to chapter 23-02.1, two" with "five"

Page 1, line 2, remove the first comma

Page 1, line 3, remove "development and maintenance of a traumatic brain injury registry and the"

Page 1, remove lines 8 through 12

Page 1, line 13, replace "23-02.1" with "50-06.4"

Page 1, line 18, replace "23-02.1" with "50-06.4"

Page 3, after line 6, insert:

**"SECTION 6.** A new section to chapter 50-06.4 of the North Dakota Century Code is created and enacted as follows:

**Vocational rehabilitation and consultation.** The department shall provide or contract for the provision of increased and specialized vocational rehabilitation and consultation to individuals with traumatic brain injury who receive case management for personal care services. Services under this section include extended support for individuals at risk of losing their employment upon exhausting their vocational services."

Page 4, line 20, replace "\$2,634,864" with "\$864,000"

Page 4, remove lines 24 through 29

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2205: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2205 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2229: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2229 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and section"

Page 1, line 2, remove "57-51.1-07.3"

Page 1, line 3, replace "and oil and gas research fund deposits" with "; and to provide an effective date"

Page 2, line 6, replace "four" with "five"

Page 2, line 7, replace "five" with "six"

Page 2, line 11, replace "four" with "five"

Page 2, line 16, replace "five" with "six"

Page 2, line 17, replace "six" with "seven"

Page 2, line 22, replace "five" with "six"

Page 2, line 26, replace "five" with "six"

Page 2, line 27, replace "six" with "seven"

Page 2, line 31, replace "five" with "six"

Page 3, replace lines 7 through 17 with:

**"SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable events occurring after June 30, 2009."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2255: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2255 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2266: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2266 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first semicolon insert "to provide a statement of legislative intent;"

Page 2, line 11, overstrike "establish" and insert immediately thereafter "advise university of North Dakota officials regarding strategies to address common concerns in nursing education which produce obstacles in meeting the state's current and future nursing needs, specific needs of rural communities, and development of"

Page 2, after line 20, insert:

**"SECTION 2. LEGISLATIVE INTENT - SIMULATION LABORATORY INITIATIVE.** It is the intent of the sixty-first legislative assembly that the funds appropriated in section 3 of this Act must be used by the university of North Dakota to support a simulation laboratory initiative that includes basic simulation centers for use at each of the nursing education sites in the state, which are located at Bismarck state college, Dickinson state university, Fort Berthold community college, Jamestown college, Lake Region state college, Medcenter One college of nursing, Minot state university, Minot state university-Bottineau, North Dakota state college of science, North Dakota state university, Sitting Bull college, United Tribes technical college, university of Mary, university of North Dakota, and Williston state college. The initiative must include a basic simulation model, essential equipment, and staff to serve all locations in an integrated way."

Page 2, line 22, after the second comma insert "and from special funds derived from federal funds," and replace "\$4,900,000" with "\$4,590,198"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2270: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2270 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "twenty-five" with "thirty"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2277: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee**

(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2277 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2311: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2311 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2317: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2317 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2333: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2333 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact chapter 23-35.1 of the North Dakota Century Code, relating to the creation of regional public health networks; and to provide an appropriation.

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

**SECTION 1.** Chapter 23-35.1 of the North Dakota Century Code is created and enacted as follows:

**23-35.1-01. Definitions.** For purposes of this chapter, unless the context otherwise requires:

1. The definitions of section 23-35-01 apply; and
2. "Regional public health network" means a group of public health units that have entered a joint powers agreement or an existing lead multidistrict health unit identified in the emergency preparedness and response region which has been reviewed by the state health officer and has been verified as meeting the requirements of this chapter and chapter 54-40.3.

**23-35.1-02. Regional public health network - Joint powers agreement - Review by state health officer - Criteria.** Before a group of public health units may be designated as a regional public health network, the state health officer shall review the joint powers agreement the districts entered and verify that:

1. The geographical region covered by the regional public health network corresponds to one of the emergency preparedness and response regions established by the state department of health.
2. The joint powers agreement requires that the participating public health units:
  - a. Share various administrative functions and public health services in accordance with subsection 3;
  - b. Comply with requirements the health council adopts by rule; and
  - c. Meet department maintenance of effort funding requirements, which must be calculated based on each unit's dollar or mill levy public health unit contribution in calendar year 2007.
3. The joint powers agreement requires:
  - a. A regional public health network to share the following public health services:
    - (1) Emergency preparedness and response;

- (2) Environmental health services; and
  - (3) A regional public health network health officer, although this paragraph does not prohibit a public health unit from appointing a local health officer.
- b. A regional public health network to select and share at least three administrative functions and at least three public health services, as provided under this subdivision:
- (1) "Administrative functions" are:
    - (a) Financial accounting, billing, and accounts receivable;
    - (b) Community assessment and planning;
    - (c) Contract compliance;
    - (d) Public health service improvement planning;
    - (e) Human resource management;
    - (f) Technology support;
    - (g) Budgeting;
    - (h) Workforce development;
    - (i) Public information;
    - (j) Grant writing;
    - (k) Inventory management, including vaccines; and
    - (l) Any other functions approved by the state health officer.
  - (2) "Public health services" are:
    - (a) School health;
    - (b) Nutrition;
    - (c) Family planning;
    - (d) Injury prevention;
    - (e) Violence prevention;
    - (f) Tobacco prevention and cessation;
    - (g) Oral health;
    - (h) Cancer prevention;
    - (i) Maternal and child health;
    - (j) Asthma;
    - (k) Diabetes;
    - (l) Cardiovascular health;
    - (m) Physical activity;
    - (n) Immunizations;
    - (o) Communicable disease programs;
    - (p) Mental health;

- (q) Chronic disease;
- (r) Public health visits; and
- (s) Any other services approved by the state health officer.

4. The joint powers agreement provides:

- a. Criteria for the future participation of public health units that were not parties to the original joint powers agreement;
- b. An application process by which public health units that were not parties to the original joint powers agreement may become participating districts; and
- c. A process by which public health units that were not parties to the original joint powers agreement may appeal a decision to deny an application to participate in the agreement to the state health officer.

5. The joint powers agreement provides for the structure of the governing body of the network.

**23-35.1-03. Regional public health network - Annual plan.** A regional public health network shall prepare an annual plan regarding the provision of the required and optional public health services and shall submit the plan to the state health officer for approval.

**23-35.1-04. Regional public health networks - Receipt and use of moneys.** The board of a regional public health network may receive and expend moneys for the provision of administrative functions, public health services, and any other lawful activities.

**23-35.1-05. Compensation - Reimbursement - Extraordinary service.** The board of a regional public health network may provide compensation and reimbursement to any board member who, at the direction of the board, performs extraordinary service on behalf of the board. For purposes of this section, "extraordinary service" means duties beyond those reasonably expected of members of the board and includes travel to and attendance at national meetings or conventions.

**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,800,000, or so much of the sum as may be necessary, to the state department of health for the purpose of funding regional public health networks, according to a funding formula established by the state health council in consultation with local public health units, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 3. APPROPRIATION.** 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 state department of health for the purpose of providing funds to local public health units for providing immunization services statewide, according to a funding formula established by the state health council in consultation with local public health units, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2337: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2337 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "54-35" with "50-06"

Page 1, line 2, replace "creating a legislative council medical assistance committee" with "a study of the state's medical assistance program"

Page 1, line 3, after the second semicolon insert "to provide an effective date;"

Page 1, line 6, replace "**Committee on medical assistance - Membership - Duties -**" with "A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

**Medical assistance program analysis -**"

Page 1, remove lines 8 through 24

Page 2, line 1, replace "4. The committee" with "1. A medicaid medical advisory committee appointed by the executive director"

Page 2, line 2, after "for" insert "service delivery.", remove the first underscored comma, and replace "committee" with "study is to result in the preparation of a five-year and ten-year strategic plan for the North Dakota medical assistance program. The legislative council"

Page 2, line 3, remove "actuarially based"

Page 2, line 4, replace "and reform options to ensure the future long-term" with "for the preparation of the strategic plan. The consultant shall provide reports to the medicaid medical advisory committee"

Page 2, line 5, remove "sustainability of the program"

Page 2, line 12, remove "and patient access in the state's health care system."

Page 2, line 13, remove "including the uninsured and underinsured"

Page 2, remove lines 14 and 15

Page 2, line 16, replace "f." with "e." and remove "the implementation of risk-sharing"

Page 2, line 17, remove "arrangements.", replace "and" with an underscored comma, and remove "a high-risk pool."

Page 2, line 18, remove "and a", replace "program" with "programs", after "of" insert "a", and replace "projects" with "project"

Page 2, line 19, replace the underscored period with ";

f. Consider the health care studies and reforms occurring at both the national and state levels to ensure the state medical assistance strategic plan is compatible with the overall health care environment; and

g. Information regarding"

Page 2, line 20, remove "5. The committee shall engage consultant services to study"

Page 2, line 24, replace "6." with "2."

Page 2, line 25, after "the" insert "medicaid medical advisory" and remove "on medical assistance"

Page 2, remove lines 30 and 31

Page 3, remove lines 1 through 3

Page 3, line 7, replace "\$150,000" with "\$100,000" and after the third "the" insert "department of human services for the purpose of paying the vendor under the contract with the"

Page 3, line 8, replace "purpose" with "cost" and remove "actuarial and"

Page 3, line 9, after "analysis" insert "and development of the strategic plan"

Page 3, after line 10, insert:

**"SECTION 3. APPROPRIATION.** There is appropriated out of special funds derived from federal funds and other income the sum of \$50,000, or so much of the sum as may be necessary, to the legislative council for activities necessary in carrying out



section 1 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 4. EFFECTIVE DATE.** This Act becomes effective on July 1, 2010."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2353: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2353 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "determined" with "established" and replace "rule" with "policy"

Page 1, line 18, replace "adopt rules" with "establish a policy" and replace "establish" with "set"

Page 1, line 22, replace "amend" with "revise" and replace "rules" with "policy"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2355: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2355 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "care"

Page 1, line 2, replace "sixty-second legislative assembly" with "legislative council; to provide for a legislative council study;"

Page 1, line 5, remove "**CARE**"

Page 1, line 7, after "shelter" insert a comma and after "assessment" insert a comma

Page 1, line 8, after the first "for" insert "at-risk" and remove "at risk"

Page 1, line 15, replace "\$400,000" with "\$200,000"

Page 1, line 18, replace "established in" with "authorized under"

Page 1, after line 19, insert:

**"SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of providing short-term shelter, assessment, and intervention services for at-risk children and youth in areas of the state not served by the pilot program authorized under section 1 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 1, line 20, replace "**SIXTY-SECOND LEGISLATIVE ASSEMBLY**" with "**LEGISLATIVE COUNCIL**"

Page 1, line 21, remove "sixty-second" and after "legislative" insert "council regarding the short-term shelter and assessment pilot program authorized by section 1 of this Act."

**SECTION 5. LEGISLATIVE COUNCIL STUDY.** During the 2009-10 interim, the legislative council shall consider studying the statewide need for short-term shelter, assessment, and intervention services for at-risk children and youth across the state and the feasibility and desirability of using such services instead of foster or group care placements. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-second legislative assembly."

Page 1, remove lines 22 and 23

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2359: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2359 was placed on the Sixth order on the calendar.

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

Page 1, line 7, overstrike "sessions" and insert immediately thereafter "regular meetings" and overstrike "the courthouse, or at the usual"

Page 1, line 8, overstrike "place of holding court,", remove "on a consistent day of the week", overstrike "in", and overstrike "January, April, July,"

Page 1, line 9, overstrike "and October of each year, and may adjourn such meetings from time to time" and insert immediately thereafter "a time and place to be designated by the commission on a date certain established by resolution or ordinance of the commission"

Page 1, line 10, overstrike "sessions" and insert immediately thereafter "meetings"

Page 1, line 11, overstrike "sessions"

Page 1, overstrike lines 12 and 13

Page 1, line 14, overstrike "of the board" and insert immediately thereafter "meetings that must be noticed in accordance with section 44-04-20"

Page 1, after line 14, insert:

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2366: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2366 was placed on the Sixth order on the calendar.

Page 1, line 24, replace the second "sell" with "offer to distribute"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2367: Transportation Committee (Sen. G. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2367 was placed on the Sixth order on the calendar.

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

Page 1, line 3, after "39-22.3-04" insert "and 39-29-01.1"

Page 1, line 4, after "licenses" insert "and safety fees for off-highway vehicles"

Page 1, line 22, remove "fees and taxes as required by law,"

Page 1, line 23, remove "including"

Page 2, line 10, after the underscored period insert "The parks and recreation department shall report to the director within thirty days of the end of each calendar quarter the motor-powered recreational vehicle dealers that submitted a safety fee report and the number of vehicles sold, and shall identify every dealer not collecting or transmitting snowmobile safety fees."

**SECTION 3. AMENDMENT.** Section 39-29-01.1 of the North Dakota Century Code is amended and reenacted as follows:

**39-29-01.1. Safety fee - Imposition - Collection by dealer - Payment to department - Use of fee.** Upon the sale of a new or used off-highway vehicle, a dealer shall collect a five dollar safety fee from the buyer. By the end of each calendar quarter, the dealer shall file a report with the parks and recreation department which discloses the number of off-highway vehicles sold the previous months and includes the fees collected from the buyer. Fees imposed under this section must be deposited in the off-highway vehicle fund established under section 39-29-05. The fees may be used only by the parks and recreation department and only for off-highway vehicle safety education and promotion. The parks and recreation department shall report to the director within thirty days of the end of each calendar quarter the motor-powered recreational vehicle dealers that submitted a safety fee report and the number of vehicles sold, and shall identify every dealer not collecting or transmitting the safety fee."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2371: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second comma insert "and to amend and reenact sections 2, 10, 18, and 21 of House Bill No. 1026, as approved by the sixty-first legislative assembly,"

Page 1, line 4, after "programs" insert ", defining invasive species, and to expenditures and authority to control invasive species"

Page 3, after line 27, insert:

**"SECTION 3. AMENDMENT.** Section 2 of House Bill No. 1026, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**SECTION 2. Definitions.** As used in sections 2 through 33 of this Act:

1. "Board member area" means a geographical area within the county from which a member of the weed board is appointed.
2. "City weed control officer" means an individual designated by a city weed board to be responsible for the operation and enforcement of sections 2 through 33 of this Act within the city.
3. "Commissioner" means the agriculture commissioner or the commissioner's designee.
4. "Control" means to prevent a noxious weed from spreading by:
  - a. Suppressing its seeds or ~~propagating~~ propagating parts; or
  - b. Destroying either the entire plant or its propagating parts.
5. "County weed control officer" means an individual designated by the county weed board to be responsible for the operation and enforcement of sections 2 through 33 of this Act within each county.
6. "Invasive species" means a plant species the introduction of which causes or is likely to cause economic or environmental harm or harm to human health.
7. "Noxious weed" means a plant propagated by either seed or vegetative parts and determined to be injurious to public health, crops, livestock, land, or other property by:
  - a. The commissioner in accordance with section 6 of this Act;
  - b. A county weed board in accordance with section 11 of this Act; or
  - c. A city weed board in accordance with section 22 of this Act.
- ~~7.~~ 8. "Township road" means an improved public road that is:

- a. Located outside of an incorporated city;
- b. Not designated as part of a county, state, or federal-aid road system; and
- c. Constructed, maintained, graded, and drained by the township, or by the county if the township is unorganized.

**SECTION 4. AMENDMENT.** Section 10 of House Bill No. 1026, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**SECTION 10. County weed board - Duties.** Each county weed board shall:

- 1. Implement a program for the control of noxious weeds;
- 2. Provide for the control of noxious weeds along county and township roads and along county highways;
- 3. Establish the time and place of regular board meetings;
- 4. Meet at least once each year;
- 5. Keep minutes of its board meetings and a complete record of all official acts;
- 6. Control and disburse all moneys received by the county from any source for noxious weed or invasive species control;
- 7.
  - a. Provide for the compensation of its members and its secretary and treasurer;
  - b. Reimburse its members and its secretary and treasurer for actual and necessary expenses; and
  - c. Provide a mileage allowance at the same rate as that established for state employees; and
- 8.
  - a. Employ and provide for the compensation of a weed control officer;
  - b. Reimburse the weed control officer for actual and necessary expenses; and
  - c. Provide a mileage allowance at the same rate as that established for state employees."

Page 3, line 30, overstrike "**County**" and insert immediately thereafter "**Local**"

Page 4, line 1, after "county" insert "and city"

Page 4, line 2, after "county" insert "and city"

Page 4, line 3, after "weed" insert "or invasive species"

Page 4, line 6, after "county" insert "or city"

Page 4, line 10, after "weed" insert "or invasive species"

Page 4, line 11, after "county" insert ", the city,"

Page 4, after line 11, insert:

**"SECTION 6. AMENDMENT.** Section 18 of House Bill No. 1026, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**SECTION 18. Control of noxious weeds and invasive species within cities.**

The governing body of any city having a population of three thousand or more may establish a program for the control of noxious weeds and invasive species within the jurisdictional limits of the city. If a program is not established, the county weed board

shall administer a noxious weeds program for the city and may administer an invasive species program for the city.

**SECTION 7. AMENDMENT.** Section 21 of House Bill No. 1026, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**SECTION 21. City weed board - Duties.** Each city weed board shall:

1. Implement a program for the control of noxious weeds;
2. Establish the time and place of regular board meetings;
3. Meet at least once each year;
4. Keep minutes of its meetings and a complete record of all official acts;
5. Control and disburse all moneys received by the city from any source for noxious weed or invasive species control;
6.
  - a. Provide for the compensation of its members and its secretary and treasurer;
  - b. Reimburse its members and its secretary and treasurer for actual and necessary expenses; and
  - c. Provide a mileage allowance at the same rate as that established for state employees; and
7.
  - a. Employ and provide for the compensation of a weed control officer;
  - b. Reimburse the weed control officer for actual and necessary expenses; and
  - c. Provide a mileage allowance at the same rate as that established for state employees."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2376: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2376 was placed on the Sixth order on the calendar.

Page 3, replace lines 16 through 24 with:

- "7. Any pledge of revenue made by the industrial commission as security for the authority's evidences of indebtedness is valid and binding from time to time when the pledge is made. The revenues or other moneys so pledged and thereafter received by the authority are immediately subject to the lien of any such pledge without any physical delivery thereof or further act, and the lien of any such pledge is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, regardless of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded, except in the records of the authority."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2377: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2377 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2384: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2384 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2385: Transportation Committee (Sen. G. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2385 was placed on the Sixth order on the calendar.

Page 1, line 13, after the underscored period insert "The department may charge an additional fee of six dollars to offset the cost of a general issuance."

Page 1, line 15, replace "general fund in the state treasury" with "motor vehicle registration fund", replace "such" with "the", and after "sum" insert "of \$4,400,000, or so much of the sum"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2395: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2395 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2401: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2401 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study relating to requirements for plans and specifications and bids for public improvements.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:****SECTION 1. LEGISLATIVE COUNCIL STUDY - PUBLIC IMPROVEMENTS.**

The legislative council shall study, during the 2009-10 interim, public improvement and capital construction bid requirements, plans and specifications, and the employment of architects and engineers. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2402: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2402 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "twenty" with "eighteen"

Page 1, line 22, replace "twenty" with "eighteen"

Page 1, line 23, replace "twenty-four" with "twenty"

Page 2, line 3, replace "twenty-four" with "twenty"

Page 2, line 4, replace "twenty-eight" with "twenty-two"

Page 2, line 8, replace "twenty-eight" with "twenty-two"

Page 2, line 9, replace "thirty-two" with "twenty-four"

Page 2, line 13, replace "thirty-two" with "twenty-four"

Page 2, line 14, replace "thirty-five" with "twenty-six"

Page 2, line 31, replace "one hundred" with "seventy-five"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2413: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2413 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection to" and replace "57-39.2-04" with "to chapter 57-51"

Page 1, line 2, replace "a sales and use" with "an oil and gas gross production" and replace "equipment" with "certain gas"

Page 1, line 3, remove "from waste heat or flared gas"

Page 1, line 15, remove the first "the" and remove "of the"

Page 1, line 16, remove "producer"

Page 1, line 18, remove "Gas used for electrical"

Page 1, remove line 19

Page 2, replace lines 4 through 10 with:

**"SECTION 2.** A new section to chapter 57-51 of the North Dakota Century Code is created and enacted as follows:

**Exemption of gas for electrical generation at well site.** Gas burned at the well site to power an electrical generator that consumes at least seventy-five percent of the gas from the well is exempt from the tax under section 57-51-02.2."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2424: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2424 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2427: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2427 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to amend and reenact sections"

Page 1, remove lines 4 and 5

Page 1, line 6, remove "appropriation;"

Page 1, remove lines 8 through 24

Page 2, remove lines 1 through 9

Page 2, remove lines 13 through 30

Page 3, line 1, replace "3" with "1"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2438: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2438 was placed on the Sixth order on the calendar.

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

Page 2, after line 6, insert:

**"SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2011."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2440: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2440 was placed on the Eleventh order on the calendar.

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

**Fran A. Gronberg, Secretary**