

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

* * * * *

Bismarck, March 25, 2009

The Senate convened at 11:00 a.m., with President Dalrymple presiding.

The prayer was offered by Reverend Lionel Muthiah, United Methodist Church, Mandan.

The roll was called and all members were present except Senators Fiebiger, Flakoll, Grindberg, Krauter, G. Lee, Schneider, Stenehjem, Taylor, and Triplett.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1069, HB 1070, HB 1123, HB 1126, HB 1196, HB 1244, HB 1271, HB 1362, HB 1403, HCR 3003, HCR 3017, HCR 3026, HCR 3028, HCR 3041, HCR 3042, HCR 3061.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1035, HB 1044, HB 1162, HB 1204, HB 1284, HB 1437, HB 1496, HB 1510.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1561.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2218.

HOUSE AMENDMENTS TO SENATE BILL NO. 2218

Page 2, remove lines 28 and 29

Page 2, line 30, replace "4." with "3."

Page 3, line 3, replace "5." with "4."

Page 3, line 22, replace "6." with "5."

Renumber accordingly

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, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Monday, March 30, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1073, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1073 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 753 and 754 of the Senate Journal, Engrossed House Bill No. 1073 is amended as follows:

Page 1, line 15, replace the first "or" with an underscored comma and after "health" insert ", or the state board of animal health"

Page 1, line 17, replace "or" with an underscored comma and after "health" insert ", or the state board of animal health"

Page 1, line 21, replace "or" with an underscored comma and after the second "health" insert ", or the state veterinarian"

Page 3, line 24, after "health" insert "or the state board of animal health"

Page 4, line 5, after "health" insert "or the state board of animal health"

Page 6, line 30, after the first "health" insert "or the state board of animal health"

Page 9, replace lines 13 through 26 with:

- "1. A volunteer health practitioner who is injured as the result of providing health or veterinary services under this chapter is deemed to be an employee of this state for the purpose of receiving benefits for the death or injury under title 65 if:
 - a. The practitioner is not otherwise eligible for benefits for the injury or death under the law of this or another state; and
 - b. The practitioner or, in the case of death, the practitioner's personal representative elects coverage under the workers' compensation law of this state by making a claim under that law.
2. In this section, "injury" means a compensable injury as defined under section 65-01-02.
3. Workforce safety and insurance shall adopt rules, enter agreements with other states as is practicable, or take other measures to facilitate the receipt of benefits for injury or death under title 65 by volunteer health practitioners who reside in other states."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1082: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1082 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 656 and 657 of the Senate Journal, House Bill No. 1082 is amended as follows:

Page 3, line 24, overstrike "A" and insert immediately thereafter "For all motor vehicle fuel purchases during a calendar year, a" and overstrike ", for"

Page 3, line 25, overstrike "all motor vehicle fuel purchases during a calendar year,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1093, as engrossed: 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). Engrossed HB 1093 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 4 of section 43-41-02," and after "43-41-04" insert ", and subsection 1 of section 43-41-08"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 4 of section 43-41-02 of the North Dakota Century Code is amended and reenacted as follows:

4. Nothing in this chapter prevents the employment of social work designees by hospitals, basic care facilities, or skilled nursing facilities, provided these persons individuals work under the direction of a social worker or social work consultant licensed under this chapter and that the board be notified of the name of the designee's employer and the name of the licensee who is providing direction or consultation to the designees."

Page 1, after line 19, insert:

"**SECTION 3. AMENDMENT.** Subsection 1 of section 43-41-08 of the North Dakota Century Code is amended and reenacted as follows:

1. The governor shall appoint the North Dakota board of social work examiners which must consist of six members, two of whom must be, at the time of initial appointment, licensed social workers; one of whom must be, at the time of initial appointment, a licensed certified social worker; one of whom must be, at the time of initial appointment, a licensed independent clinical social worker; and two of whom must be laypersons. Board members must demonstrate no conflict of interest."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1222, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1222 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1330: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1330 was placed on the Sixth order on the calendar.

Page 10, line 11, replace "five" with "three"

Page 10, line 13, replace "five" with "three"

Page 10, line 15, replace "five" with "three"

Page 10, line 17, remove the overstrike over "~~d~~."

Page 10, line 18, after "as" insert "Fees", remove the overstrike over "~~set by the board~~" and insert immediately thereafter "under this subsection are not subject to chapter 28-32", and remove the overstrike over the overstruck period

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3005: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3005 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3006: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3006 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3022, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (3 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HCR 3022 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3027: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (3 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3027 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3043: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3043 was placed on the Fourteenth order on the calendar.

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

Fran A. Gronberg, Secretary

