

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, February 5, 2009

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

The prayer was offered by Pastor Larry J. Giese, Lord of Life Lutheran Church, Bismarck.

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

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2226: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ page 274 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2053: SEN. ANDERSON (Finance and Taxation Committee) MOVED** that the amendments on SJ page 274 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2294: SEN. POMEROY (Human Services Committee) MOVED** that the amendments on SJ page 275 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2303: SEN. G. LEE (Education Committee) MOVED** that the amendments on SJ page 275 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2315: SEN. MILLER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 275 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2280:** A BILL for an Act to create and enact a new subsection to section 26.1-36-08, a new subsection to section 26.1-36-08.1, and a new subsection to section 26.1-36-09 of the North Dakota Century Code, relating to federally required parity for mental health and substance abuse insurance coverage.

## 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 19 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Robinson

SB 2280 lost.

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## SECOND READING OF SENATE BILL

**SB 2097:** A BILL for an Act to amend and reenact subsection 3 of section 50-25.1-02 and section 50-25.1-11 of the North Dakota Century Code, relating to the definition of a

sexually abused child and to who may receive confidential reports of child abuse and neglect.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Robinson

Engrossed SB 2097 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2123:** A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to allowing the department of human services to require criminal history record checks in certain circumstances; and to amend and reenact subdivision g of subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks conducted by the bureau of criminal investigation.

#### 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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Hogue; O'Connell; Triplett

**ABSENT AND NOT VOTING:** Robinson

Engrossed SB 2123 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2184:** A BILL for an Act to amend and reenact subsection 5 of section 57-40.3-01 of the North Dakota Century Code, relating to exclusion of motor vehicle manufacturers' incentives or discounts from motor vehicle excise taxes; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dotzenrod; Fiebiger; Fischer; Freborg; Horne; Klein; Krauter; Lee, G.; Lee, J.; Lindaas; Marcellais; Mathern; Miller; Nelson; Nodland; O'Connell; Olafson; Pomeroy; Potter; Schneider; Seymour; Stenehjerm; Taylor; Wanzek; Warner

**NAYS:** Anderson; Dever; Erbele; Flakoll; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Krebsbach; Lyson; Nething; Oehlke; Triplett; Wardner

**ABSENT AND NOT VOTING:** Robinson

Engrossed SB 2184 passed and the title was agreed to.

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**DEEMED RECONSIDERED AND REFERRED**

**PRESIDENT DALRYMPLE STATED** that Engrossed SB 2184 is deemed reconsidered and must be referred to the **Appropriations Committee** under Senate Rule 329(3).

**SECOND READING OF SENATE BILL**

**SB 2209:** A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to human trafficking; to amend and reenact subdivision f of subsection 2 of section 12.1-06.1-01 and subdivisions a and e of subsection 1 of section 12.1-32-15 of the North Dakota Century Code, relating to racketeering definitions and registration of offenders against children and sexual offenders; and to provide a penalty.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Robinson

Engrossed SB 2209 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2232:** A BILL for an Act to create and enact sections 28-21-03.1 and 28-21-04.2 of the North Dakota Century Code, relating to general and summary execution of judgment; and to amend and reenact sections 28-21-01, 28-21-03, 28-21-04, 28-21-04.1, 28-21-05, 28-21-05.1, 28-21-06, 28-21-07, 28-21-08, 28-21-09, 28-21-10, 28-21-13, 28-21-17, 28-21-18, and 28-23-11 of the North Dakota Century Code, relating to execution of judgment.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Robinson

Engrossed SB 2232 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2248:** A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to certified pesticide applicators; to amend and reenact sections 4-35-05, 4-35-08, 4-35-09, 4-35-09.1, 4-35-12, 4-35-14, 4-35-15, 4-35-16, 4-35-18, 4-35-19, 4-35-20, 4-35-22, 4-35-23, and 4-35-24 of the North Dakota Century Code, relating to pesticides; to repeal sections 4-35-17 and 4-35-29 of the North Dakota Century Code, relating to license plates for vehicles used in the application of certain pesticides and priority liability; and to provide a penalty.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Robinson

Engrossed SB 2248 passed and the title was agreed to.

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

**SB 2264:** A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a special season-long nonresident small game hunting license fee; and to amend and reenact subsection 1 of section 20.1-03-07 and subsection 2 of section 20.1-03-12 of the North Dakota Century Code, relating to nonresident small game hunting licenses and fees.

### **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 30 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bakke; Behm; Bowman; Christmann; Dotzenrod; Erbele; Fiebiger; Flakoll; Grindberg; Heckaman; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Miller; Nodland; O'Connell; Oehlke; Olafson; Potter; Seymour; Taylor; Wanzek; Wardner; Warner

**NAYS:** Anderson; Cook; Dever; Fischer; Freborg; Hogue; Lee, G.; Lyson; Marcellais; Mathern; Nelson; Nething; Pomeroy; Schneider; Stenehjerm; Triplett

**ABSENT AND NOT VOTING:** Robinson

SB 2264 passed and the title was agreed to.

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### **DEEMED RECONSIDERED AND REFERRED**

**PRESIDENT DALRYMPLE STATED** that SB 2264 is deemed reconsidered and must be referred to the **Appropriations Committee** under Senate Rule 329(3).

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

**SB 2293:** A BILL for an Act to amend and reenact subsection 2 of section 12.1-17-01 of the North Dakota Century Code, relating to the assault of state hospital employees; and to provide a penalty.

### **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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 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; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Potter; Schneider; Seymour; Stenehjerm; Taylor; Wanzek; Wardner; Warner

**NAYS:** Krauter; Mathern; O'Connell; Triplett

**ABSENT AND NOT VOTING:** Robinson

SB 2293 passed and the title was agreed to.

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

**SB 2301:** A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to coal development fund

allocations between coal-producing and non-coal-producing counties; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Christmann; Fischer; Klein; Wardner

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

**ABSENT AND NOT VOTING:** Robinson

Engrossed SB 2301 lost.

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#### MOTION

**SEN. CHRISTMANN MOVED** that SB 2370, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2375:** A BILL for an Act to create and enact a new section to chapter 57-43.2 of the North Dakota Century Code, relating to use of dyed special fuels by cities.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Robinson

SB 2375 passed and the title was agreed to.

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#### FIRST READING OF SENATE CONCURRENT MEMORIAL RESOLUTION

Sens. Holmberg, Nething, Triplett and Reps. Glassheim, Martinson, Svedjan introduced:

**SRM 8501:** A concurrent memorial resolution extending sympathy and condolences of the North Dakota Legislative Assembly to the family of the University of North Dakota President Emeritus Thomas J. Clifford.

Was read the first time.

#### MOTION

**SEN. CHRISTMANN MOVED** that the rules be suspended, that SRM 8501 not be printed, not be referred to committee, but be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Holmberg, Nething, Triplett and Reps. Glassheim, Martinson, Svedjan introduced:

#### SENATE CONCURRENT MEMORIAL RESOLUTION NO. 8501

A concurrent memorial resolution extending sympathy and condolences of the North Dakota Legislative Assembly to the family of the University of North Dakota President Emeritus Thomas J. Clifford.

**WHEREAS,** God in His infinite wisdom has summoned to His side Dr. Thomas J. Clifford on February 4, 2009; and

**WHEREAS,** Dr. Clifford, a native of Langdon, was affiliated with the University of North Dakota for 70 years as a student, faculty member, business dean, vice president, president, and distinguished alumnus; and

**WHEREAS**, Dr. Clifford was the first native North Dakotan to serve as president of the University of North Dakota, and the second University of North Dakota alumnus to achieve presidency of his alma mater serving as the eighth president from 1971 until 1992, being recognized as one of the most effective university presidents in the nation in 1986; and

**WHEREAS**, under Dr. Clifford's leadership, the University of North Dakota evolved into the largest and most comprehensive university in a five-state region: North Dakota, South Dakota, Montana, Wyoming, and Idaho; and several nationally ranked programs were developed under his leadership including a four-year medical school, the Energy and Environmental Research Center, the Center for Innovation, and John D. Odegard School of Aerospace Sciences; and

**WHEREAS**, Dr. Clifford, after being the longest serving president of the University of North Dakota, became the first chancellor of the North Dakota University System; and

**WHEREAS**, Dr. Clifford played a key role in facilitating one of the nation's largest gifts to a public university, resulting in the Ralph Engelstad Arena, the finest college hockey facility in the world; and

**WHEREAS**, Dr. Clifford was held in the highest esteem for his entrepreneurial spirit; leadership and service to his community, state, and nation; and his numerous accomplishments in public and private life reflected his leadership, compassion, and commitment to others to achieve and rise to their potential; and

**WHEREAS**, Dr. Clifford was the recipient of numerous awards and accolades, including the Sioux Award in 1982 and an Honorary Doctorate of Laws degree from the University of North Dakota in 2000 and was inducted into the North Dakota Roughrider Hall of Fame in 2002; and

**WHEREAS**, North Dakota and the world lost a unique leader and icon who left an indelible mark upon his state and university and the lives of all those who knew him;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the members of the Sixty-first Legislative Assembly honor Dr. Thomas J. Clifford, pay tribute to his remarkable legacy, extend and offer our sympathy and sincere condolences to his family on behalf of all the citizens of the state of North Dakota; and

**BE IT FURTHER RESOLVED**, that the Secretary of State present an enrolled copy of this resolution to Dr. Clifford's wife Gayle Clifford and the families of Dr. Clifford and Gayle Clifford.

#### **SECOND READING OF SENATE CONCURRENT MEMORIAL RESOLUTION**

**SRM 8501:** A concurrent memorial resolution extending sympathy and condolences of the North Dakota Legislative Assembly to the family of the University of North Dakota President Emeritus Thomas J. Clifford.

The question being on the final adoption of the resolution, which has been read.

SRM 8501 was declared adopted on a voice vote.

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#### **MOTION**

**SEN. CHRISTMANN MOVED** that SRM 8501 be messaged to the House immediately, which motion prevailed.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SRM 8501.

#### **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 2054, SB 2095, SB 2227, SB 2291, SB 2321, SB 2347.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2139, SB 2208.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4011.

#### **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 1216, HB 1272, HB 1280, HB 1296, HB 1298, HB 1303, HB 1307, HB 1364, HB 1387, HB 1401.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1237.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on February 5, 2009: SCR 4011.

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent member 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 12:30 p.m., Friday, February 6, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2022: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2022 was placed on the Sixth order on the calendar.

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

Page 1, line 11, replace "470,584" with "670,584" and replace "6,636,802" with "6,836,802"

Page 1, after line 12, insert:

**"SECTION 2. EMERGENCY.** The appropriation of \$200,000 for construction of a storage facility included in section 1 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

**REPORT OF STANDING COMMITTEE**

**SB 2025: 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). SB 2025 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "\$12,036,404" with "\$7,944,991"

Page 1, line 9, replace "\$1,291,582" with "\$2,643,904"

Page 1, line 10, replace "January 1, 2009," with "with the effective date of this Act"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Veterans' Home - Senate Action - This amendment provides a net decrease in supplemental funding for the Veterans' Home construction project of \$2,739,091, of which \$4,091,413 is a general fund reduction and a \$1,352,322 increase in federal funds.

After these adjustments and including the 2007-09 legislative appropriation for the project, funding authorized for the project totals:

General fund	\$7,944,991
Permanent oil tax trust fund	6,483,226
Revenue bond proceeds	2,575,152
Federal funds	<u>14,684,182</u>

Total	\$31,687,551
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**REPORT OF STANDING COMMITTEE**

**SB 2033: 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 2033 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsections 1, 6, and 7 of"

Page 1, line 5, replace "Subsections 1, 6, and 7 of section" with "Section"

Page 1, line 6, replace "are" with "is"

Page 1, after line 6, insert:

**"57-38-01.8. Income tax credit for installation of geothermal, solar, wind, or biomass energy devices."**

Page 1, after line 16, insert:

"2. For the purposes of this section:

- a. "Biomass energy device" means a system using agricultural crops, wastes, or residues; wood or wood wastes or residues; animal wastes; landfill gas; or other biological sources to produce fuel or electricity.
  - b. "Geothermal energy device" means a system or mechanism or series of mechanisms designed to provide heating or cooling or to produce electrical or mechanical power, or any combination of these, by a method which extracts or converts the energy naturally occurring beneath the earth's surface in rock structures, water, or steam.
  - c. "Solar or wind energy device" means a system or mechanism or series of mechanisms designed to provide heating or cooling or to produce electrical or mechanical power, or any combination of these, or to store any of these, by a method which converts the natural energy of the sun or wind.
3. If a geothermal, solar, wind, or biomass energy device is a part of a system which uses other means of energy, only that portion of the total system directly attributable to the cost of the geothermal, solar, wind, or biomass energy device may be included in determining the amount of the credit. The costs of installation may not include costs of redesigning, remodeling, or otherwise altering the structure of a building in which a geothermal, solar, wind, or biomass energy device is installed.
4. A partnership, subchapter S corporation, limited partnership, limited liability company, or any other passthrough entity that installs a geothermal, solar, wind, or biomass energy device in a building or on property owned or leased by the passthrough entity must be considered to be the taxpayer for purposes of this section, and the amount of the credit allowed with respect to the entity's investments 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.
5. If a taxpayer entitled to the credit provided by this section is a member of a group of corporations filing a North Dakota consolidated tax return using the combined reporting method, the credit may be claimed against the aggregate North Dakota tax liability of all of the corporations included in the North Dakota consolidated return."

Page 1, line 17, after "6." insert "a."

Page 1, line 20, replace "For tax credits for energy devices installed after" with:

- "b. Any excess tax credits earned for wind energy devices installed after September 30, 2008, and before August 1, 2011, may be used as a credit carryover to each of the twenty succeeding taxable years.
- c. For any tax credits for geothermal, solar, or biomass energy devices installed after"



Page 1, line 21, after the second underscored comma insert "and wind energy devices installed after July 31, 2011,"

Page 1, line 23, overstrike "All or part of the unused credit allowed under this section may be sold, assigned, or"

Page 1, overstrike line 24

Page 2, overstrike lines 1 through 31

Page 3, overstrike lines 1 through 31

Page 4, overstrike lines 1 through 5

Page 4, replace line 6 with:

"8- For geothermal, solar, wind, or biomass energy devices installed after December 31, 2006, if ownership of a device is transferred at the time installation is complete and the device is fully operational, the purchaser of the device is eligible for the tax credit under this section. Subsequent purchasers of the device are not eligible for the tax credit."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2051: 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 2051 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 amend and reenact section 57-51.1-07.3 of the North Dakota Century Code, relating to oil and gas research fund deposits.

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

**SECTION 1. AMENDMENT.** Section 57-51.1-07.3 of the North Dakota Century Code is amended and reenacted as follows:

**57-51.1-07.3. Oil and gas research fund - Deposits - Continuing appropriation.** There is established a special fund in the state treasury to be known as the oil and gas research fund. Two percent of the state's share of the oil and gas gross production tax and oil extraction tax revenues, up to ~~three~~ six million dollars per biennium, must be deposited into the oil and gas research fund. The state treasurer shall transfer into the oil and gas research fund two percent of the state's share of the oil and gas production tax and the oil extraction tax revenues for the previous three months. All moneys deposited in the oil and gas research fund and interest on all such moneys are appropriated as a continuing appropriation to the council to be used for purposes stated in chapter 54-17.6."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2062: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2062 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 three new sections to chapter 15-62.2 of the North Dakota Century Code, relating to opportunity grants for students attending certain institutions of higher education; to amend and reenact section 15.1-01-02 of the North Dakota Century Code, relating to joint meetings of the state's education boards; to provide a transfer; and to provide an appropriation.

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

**SECTION 1.** A new section to chapter 15-62.2 of the North Dakota Century Code is created and enacted as follows:

**Opportunity grant - Eligibility.** A student is eligible for an opportunity grant if the student:

1. Was a resident of this state for the twelve months preceding the date the student met the graduation or high school diploma requirements set forth in subsection 2;
2. During or after the 2010-11 school year:
  - a. Graduated from a public or nonpublic high school in this state;
  - b. Graduated from a high school in another state under chapter 15.1-29; or
  - c. Met the requirements for a high school diploma through home education, in accordance with section 15.1-23-17;
3. Completed the requirements for a merit scholarship with technical honors or a merit scholarship with academic honors, as set forth in House Bill No. 1400, as enacted by the sixty-first legislative assembly;
4. Submitted an application for an opportunity grant to the state board of higher education; and
5. a. Is enrolled in an institution of higher education under the control of the state board of higher education;
  - b. Is a "full-time" student, as defined by the institution;
  - c. Is enrolled in an associate or baccalaureate program; and
  - d. Maintains a minimum 3.0 cumulative grade point average.

**SECTION 2.** A new section to chapter 15-62.2 of the North Dakota Century Code is created and enacted as follows:

**Opportunity grant - Amount payable - Annual increase.**

1. Beginning with the 2010-11 school year, if a student who is eligible for an opportunity grant enrolls in an institution of higher education under the control of the state board of higher education, the board shall forward to the enrolling institution, on behalf of the student, an amount equal to one thousand dollars per semester.
2. A student is not entitled to receive more than eight thousand dollars under section 1 of this Act.
3. Section 1 of this Act does not require a student to be enrolled in consecutive semesters. However, an opportunity grant is valid for only six academic years after the student's graduation from high school and may not be applied to graduate programs.

**SECTION 3.** A new section to chapter 15-62.2 of the North Dakota Century Code is created and enacted as follows:

**Annual report.** The state board of higher education shall provide to the legislative council an annual report regarding the number of grants provided under section 2 of this Act and demographic information pertaining to the recipients.

**SECTION 4. AMENDMENT.** Section 15.1-01-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-01-02. Joint meetings - State board of public school education - State board of higher education - Education standards and practices board - State**

**board for career and technical education.** The state board of public school education, the state board of higher education, the education standards and practices board, and the state board for career and technical education shall meet together at least once each year at the call of the superintendent of public instruction, the commissioner of higher education, the executive director of the education standards and practices board, and the director of career and technical education for the purposes of:

1. Coordinating elementary and secondary education programs, career and technical education programs, and higher education programs;
2. Establishing high standards and expectations of students at all levels of the education continuum;
3. Ensuring that all students have access to challenging curricula;
4. Ensuring that the individuals instructing students at all levels of the education continuum are highly qualified and capable;
5. Cooperating in the provision of professional growth and development opportunities for ~~elementary and secondary teachers and administrators~~ individuals instructing students at all levels of the education continuum; and
- 3- 6. Ensuring cooperation in any other jointly beneficial project or program.

#### **SECTION 5. STUDENT LOAN PROGRAMS - TRANSFER - DISTRIBUTION.**

The industrial commission shall transfer \$3,800,000 from any profits that have accrued as a result of the Bank of North Dakota administering the student loan programs under section 15-62.2-01 to the general fund in the state treasury.

**SECTION 6. 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 board of higher education for the purpose of providing opportunity grants under section 2 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2073: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2073 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2160: 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 2160 was placed on the Sixth order on the calendar.

Page 1, line 4, after "13-04.1-02.1" insert ", 13-04.1-04,"

Page 1, line 7, after the comma insert "annual license fees,"

Page 2, line 3, replace "Entities" with "Individuals"

Page 2, line 6, remove the overstrike over "~~credit administration~~" and remove "service agency"

Page 2, after line 14, insert:

**"SECTION 3. AMENDMENT.** Section 13-04.1-04 of the North Dakota Century Code is amended and reenacted as follows:

**13-04.1-04. Fee and bond to accompany application for money broker license.** The application for license must be in writing, under oath, and in the form prescribed by the commissioner. The application must give the location where the business is to be conducted and must contain any further information the commissioner requires, including the names and addresses of the partners, officers, directors, trustees, and the principal owners or members, as will provide the basis for the investigation and findings contemplated by section 13-04.1-03. At the time of making such application, the applicant shall include payment in the sum of four hundred dollars,

which is not subject to refund, as a fee for investigating the application, and the sum of ~~three~~ four hundred dollars for the annual license fee, and provide a surety bond in the sum of twenty-five thousand dollars. In addition, the applicant must pay a fifty dollar annual fee for each branch location within the state. Fees must be deposited in the financial institutions regulatory fund."

Page 8, line 15, replace "service agency" with "credit administration"

Page 11, line 21, after "3." insert "a."

Page 11, line 25, replace "a." with "b."

Page 18, line 9, replace "of fifty thousand dollars" with "as determined by the commissioner by rule. The amount must be reflective of the dollar amount of loans originated as of the previous yearend"

Page 24, line 29, replace "5" with "6"

Page 25, line 1, replace "5" with "6"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2168: 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 2168 was placed on the Sixth order on the calendar.

Page 3, line 13, replace the first comma with "or" and remove ", specialty practice"

Page 3, line 14, remove "registered nurse, or licensed practical nurse"

Page 5, line 23, replace "autopsy" with "a report of death"

Page 5, line 24, remove "findings"

Page 6, line 25, replace "Autopsy findings" with "A report of death"

Page 6, line 28, replace "final findings" with "report of death"

Page 7, line 2, remove "final"

Page 10, line 18, replace "Final autopsy findings" with "Report of death" and remove "final"

Page 10, line 21, after "examiner" insert "and which is the face page of the autopsy report identifying the decedent and stating the cause of death and manner of death"

Page 10, line 23, replace "Final" with "The report of death is"

Page 10, line 24, remove "autopsy findings are"

Page 10, line 30, remove "final"

Page 11, line 12, after "fault" insert "if there is no criminal investigation"

Page 11, line 13, after "panel" insert "if there is no active criminal investigation"

Page 11, line 16, remove "final"

Page 11, line 17, replace the first "decendent's" with "decedent's" and replace the second "decendent's" with "decedent's"

Page 11, line 22, replace "decendent's" with "decedent's"

Page 11, line 23, after "company" insert "if there is no active criminal investigation"

Page 11, line 27, replace "decendent's" with "decedent's"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2171: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2171 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "and" with "or"

Page 1, line 10, after "agreement" insert ", as provided in this section," and replace "as" with an underscored period

Page 1, remove line 11

Page 1, line 14, after "order" insert "issued under section 14-07.1-02"

Page 2, line 3, after "rent" insert ", subject to the landlord's duty to mitigate"

Page 2, line 10, replace "1" with "2"

Page 2, after line 23, insert:

"9. A person may not refuse to rent, refuse to negotiate for the rental of, or in any other manner make unavailable or deny a dwelling to an individual, or otherwise retaliate in the rental of a dwelling solely because a tenant or applicant or a household member of the tenant or applicant exercised the right to terminate a lease under this section."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2185: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2185 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2186: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2186 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "an exempt entity" with "a nonprofit hospital; to amend and reenact section 57-40.2-03.3 of the North Dakota Century Code, relating to a use tax exemption for untaxed materials used by a contractor under contract with a nonprofit hospital"

Page 1, line 7, replace "**an exempt entity**" with "**a nonprofit hospital**"

Page 1, line 9, replace "an exempt entity" with "a nonprofit hospital"

Page 1, line 14, replace "exempt entity" with "nonprofit hospital"

Page 1, line 17, replace "exempt entity" with "nonprofit hospital"

Page 1, line 21, replace "an exempt entity" with "a nonprofit hospital"

Page 1, line 23, replace "exempt entity" with "nonprofit hospital"

Page 2, line 1, replace "exempt entity means an entity that, if it acquired" with "nonprofit hospital means a hospital licensed by the state department of health and exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)]."

Page 2, remove lines 2 and 3

Page 2, after line 3, insert:

**"SECTION 2. AMENDMENT.** Section 57-40.2-03.3 of the North Dakota Century Code is amended and reenacted as follows:

**57-40.2-03.3. Use tax on contractors.**

1. When a contractor or subcontractor uses tangible personal property in the performance of that person's contract, or to fulfill contract or subcontract obligations, whether the title to such property be in the contractor, subcontractor, contractee, subcontractee, or any other person, or whether the titleholder of such property would be subject to pay the sales or use tax, such contractor or subcontractor shall pay a use tax at the rate prescribed by section 57-40.2-02.1 measured by the purchase price or fair market value of such property, whichever is greater, unless such property has been previously subjected to a sales tax or use tax by this state, and the tax due thereon has been paid.
2. The provisions of this chapter pertaining to the administration of the tax imposed by section 57-40.2-02.1, not in conflict with the provisions of this section, govern the administration of the tax levied by this section.
3. The tax imposed by this section does not apply to ~~medical equipment purchased as tangible personal property by a hospital or by a long-term care facility as defined in section 50-10.1-01 and subsequently installed by a contractor into such a nonprofit hospital or facility, licensed by the state department of health and exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)], under a contract between the contractor and the nonprofit hospital.~~
4. The tax imposed by this section does not apply to:
  - a. Production equipment or tangible personal property as authorized or approved for exemption by the commissioner under section 57-39.2-04.2; or
  - b. Machinery, equipment, or other tangible personal property used to construct an agricultural commodity processing facility as authorized or approved for exemption by the commissioner under section 57-39.2-04.3 or 57-39.2-04.4."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2193: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2193 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2197: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2197 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2221: 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 2221 was placed on the Sixth order on the calendar.

Page 2, line 25, after the underscored period insert "A coal conversion facility may receive the reduction in coal conversion tax under this section for ten years from the date of first capture of carbon dioxide emission or for ten years from the date the coal conversion facility is eligible to receive the credit."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2230: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2230 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2238: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2238 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2242: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2242 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2259: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2259 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2260: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2260 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2269: 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 2269 was placed on the Sixth order on the calendar.

Page 2, line 5, replace "six" with "three"

Page 2, line 10, replace "ownership interests" with "capitalized investment assets"

Page 2, line 13, remove "for initial capitalization"

Page 2, line 16, after "members" insert "or a designated board that includes investor members"

Page 2, remove lines 28 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 18

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2272: Industry, Business and Labor Committee (Sen. Klein, 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 2272 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "chapter 26.1-36 and a new section to"

Page 1, line 2, after "for" insert "public employees retirement system"

Page 1, line 3, replace "and" with "to require a report regarding coverage of prosthetics;" and after "appropriation" insert "; and to provide an expiration date"

Page 1, remove lines 5 through 23

Page 2, remove lines 1 through 17

Page 2, replace lines 20 through 23 with:

**"Insurance to cover prosthetics.**

1. As used in this section, "prosthetics" means artificial legs, arms, or eyes. The term includes prosthetic replacements if required because of a change in the covered individual's physical condition, as set forth under title 42, United States Code, section 1395x(s)(9).
2. For all contracts or plans for health insurance which become effective after June 30, 2009, and which do not extend past June 30, 2011, the board shall provide medical benefits coverage under a contract for insurance pursuant to section 54-52.1-04 or under a self-insurance plan pursuant to section 54-52.1-04.2 which provides coverage for prosthetics which at a minimum equals the coverage provided for under the federal medicare program under title 42, United States Code, sections 1395k, 1395l, and

1395m, and title 42, Code of Federal Regulations, sections 414.202, 414.210, 414.228, and 410.100, as applicable to this section.

3. The coverage required under this section:
  - a. May require prior authorization for prosthetics in the same manner that prior authorization is required for any other covered benefit.
  - b. May impose copayment and coinsurance amounts on prosthetics, not to exceed the copayment and coinsurance amounts imposed under part B of the federal medicare fee-for-service program, under title 42, United States Code, chapter 7, subchapter XVIII, part B.
  - c. Must reimburse for covered prosthetics at a rate that is no less than the fee schedule amount for such prosthetics under the federal medicare reimbursement schedule, under title 42, United States Code, chapter 7, subchapter XVIII.
  - d. May not impose any lifetime dollar maximum on coverage for prosthetics other than a lifetime dollar maximum that applies in the aggregate to all terms and services covered under the policy, contract, or evidence of coverage.

**SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - COVERAGE OF PROSTHETICS.** Pursuant to section 54-03-28, the public employees retirement system shall prepare and submit for introduction a bill to the sixty-second legislative assembly to repeal the expiration date for section 1 of this Act and to extend the prosthetics coverage to apply to all group and individual health insurance policies. The public employees retirement system shall append to the bill a report regarding the effect of the prosthetics coverage requirement on the system's health insurance programs, information on the utilization and costs relating to the coverage, and a recommendation regarding whether the coverage should continue."

Page 2, line 28, replace "2" with "1"

Page 5, after line 4, insert:

**"SECTION 4. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2011, and after that date is ineffective."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2274: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2274 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2276: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2276 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2283: 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** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2283 was placed on the Sixth order on the calendar.

Page 1, line 12, remove "or 4"

Page 2, line 13, remove "or 4"

Page 3, line 3, replace "\$3,767,451" with "\$2,900,796"

Page 3, line 4, replace "\$6,359,970" with "\$4,883,048"

Page 3, line 12, after "Act" insert ", but may not become effective earlier than January 1, 2010"

Renumber accordingly



**REPORT OF STANDING COMMITTEE**

**SB 2285: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2285 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2286: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2286 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2296: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2296 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2300: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2300 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2304: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2304 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "board"

Page 1, line 7, remove "**board**"

Page 1, line 8, replace "nine" with "ten"

Page 1, line 9, remove "board"

Page 1, line 17, after the underscored semicolon insert "one representative of the North Dakota board of nursing."

Page 1, line 19, replace "board" with "center"

Page 1, line 21, replace "three" with "four"

Page 1, line 22, replace "board" with "center"

Page 1, line 24, replace "board" with "center"

Page 2, line 2, replace "board" with "center"

Page 2, line 4, replace "Board" with "Center"

Page 2, line 5, replace "board" with "center"

Page 2, line 8, remove "board"

Page 2, line 9, replace "board" with "center"

Page 2, line 14, replace "board" with "center"

Page 2, line 16, remove "board"

Page 2, line 17, replace "board" with "center"

Page 2, line 18, remove "board"

Page 2, line 19, remove "board"

Page 2, line 21, replace "board" with "center"

Page 3, line 5, replace "board's" with "center's"

Page 3, line 9, replace "North Dakota center for nursing board" with "office of management and budget"

Page 3, line 10, replace "funding the board activities under this Act" with "providing a grant to the North Dakota center for nursing"

Page 3, line 11, replace "board" with "center"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2310: 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). SB 2310 was placed on the Sixth order on the calendar.

Page 1, line 14, remove the overstrike over "~~A civil action or civil claim arising under this title, which is subject to judicial review,~~"

Page 1, line 15, remove the overstrike over "~~must be reviewed solely on the merits of the action or claim.~~"

Page 1, line 16, remove "To the extent possible, this title must be"

Page 1, remove line 17

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2314: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2314 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2326: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2326 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2330: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2330 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2332: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2332 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2338: 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, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2338 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and" and after "date" insert "; and to provide an expiration date"

Page 1, line 19, after the period insert "By August 1, 2011, the state treasurer shall transfer any unexpended and unobligated balance in the highway-rail grade safety projects fund to the highway tax distribution fund."

Page 2, after line 11, insert:

"5. Grants for a single crossing may not exceed \$100,000 and grants for all crossings within a city may not exceed a cumulative amount of \$500,000."

Page 2, line 12, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 2, line 13, after "2009" insert ", and before July 1, 2011, and is thereafter ineffective"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2340: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2340 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2362: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2362 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "three"

Page 1, line 2, remove "a" and replace "program" with "and premium-assistance programs"

Page 1, line 11, remove ", on a sliding income"

Page 1, line 12, remove "scale,"

Page 2, line 18, remove the overstrike over "~~following the date~~"

Page 2, line 19, remove the overstrike over "of", remove "in which the", remove the overstrike over "and", remove "or the", and remove "is made,"

Page 2, line 20, remove "whichever date is earlier"

Page 2, remove lines 21 through 23

Page 2, line 24, after "the" insert "net"

Page 2, line 25, remove "fifty"

Page 2, after line 27, insert:

**"SECTION 3.** A new section to chapter 50-29 of the North Dakota Century Code is created and enacted as follows:

**Premium for coverage.** Upon approval of the waiver requested under subsection 7 of section 50-29-04, the department shall charge a monthly premium for coverage for an eligible applicant whose net income exceeds two hundred percent of the poverty line but does not exceed three hundred percent of the poverty line. The monthly premium must be equivalent to the amount expended monthly in state funds for an eligible applicant whose net income is two hundred percent of the poverty line or less.

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2364: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2364 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2369: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2369 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 of allocation of property tax relief among renters.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY.** During the 2009-10 interim, the legislative council shall consider studying the appropriate level and method of delivery of state funding assistance to assure that renters share in an equal measure of property tax relief as compared to property tax relief provided to property owners in the state. The legislative council shall report its findings and recommendations, together

with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2373: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2373 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2374: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2374 was placed on the Sixth order on the calendar.

Page 1, replace lines 7 through 11 with:

"Gross receipts from the sale or service of aircraft engines or engine repairs and modifications and replacement parts and the sale of aircraft frame repairs and modifications, aircraft interior modification, avionics, and paint. The exemption must be limited to aircraft repairs, modification, and replacement parts for any aircraft brought into this state exclusively for the repairs or modifications and to repairs or modifications made to aircraft by a repair facility that meets the requirements of a federal aviation administration-approved part 145 repair station."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2378: 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 2378 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "The registration number must be displayed on a decal made of" with "In addition, the department shall issue a decal made of reflectorized material which contains the registration number or the department shall issue one distinctive number plate upon the request of the owner. The operator of an off-highway vehicle shall securely affix and display the decal or the plate in a"

Page 1, remove line 10

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2379: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2379 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2381: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2381 was placed on the Sixth order on the calendar.

Page 1, line 4, after the second boldfaced period insert:

"1."

Page 1, line 11, replace "1." with "a."

Page 1, line 12, replace "2." with "b."

Page 1, line 14, replace "3." with "c."

Page 1, line 16, replace "4." with "d."

Page 1, after line 17, insert:

- "2. To be eligible for a state grant under this section, each head start unit shall, to the extent possible, enroll uninsured eligible students for the most appropriate local, state, or federal insurance program available at no cost or reduced cost to the child or the child's family."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2382: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2382 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2383: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2383 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2386: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2386 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2390: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2390 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2396: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2396 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2405: 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). SB 2405 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "199(c)(3)" with "199(d)(3)"

Page 1, line 12, replace "199(c)(3)" with "199(d)(3)"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2408: Industry, Business, and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2408 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "; and to authorize contingent borrowing authority for the department" with a period

Page 1, remove line 3

Page 1, line 14, after the period insert "Applications for program funding must include dollar for dollar cash matching funds from the city, county, federal government, or private sector."

Page 1, line 20, remove ", subject to emergency commission and budget"

Page 1, line 21, remove "section approval"

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 8

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2409: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2409 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2412: 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** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2412 was placed on the Sixth order on the calendar.

Page 1, line 2, after "center" insert "; and to provide a report to the legislative council"

Page 1, after line 8, insert:

**"SECTION 2. ACCOUNTABILITY REPORT TO LEGISLATIVE COUNCIL.**

The North Dakota fetal alcohol syndrome center shall provide an accountability report with respect to the use of funds granted under section 1 of this Act to the legislative council before September 1, 2010."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2415: Judiciary Committee (Sen. Nething, 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 2415 was placed on the Sixth order on the calendar.

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

Page 3, line 25, replace "three" with "five"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2419: Industry, Business and Labor Committee (Sen. Klein, 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 2419 was placed on the Sixth order on the calendar.

Page 1, line 7, replace the underscored colon with an underscored comma

Page 1, line 8, replace "(1) An" with "an", overstrike "twenty-five" and insert immediately thereafter "thirty", and after "percent" insert "of the rehabilitation allowance for expenses associated with maintaining a second domicile or for travel associated with attendance at a school or training institution"

Page 1, line 9, overstrike "maintain two households"

Page 1, line 13, overstrike "or when the employee meets"

Page 1, line 14, overstrike "other criteria established by the organization by rule" and replace "; or" with "travel at least twenty-five miles [40.23 kilometers] one way. Travel must be calculated from the employee's residence to the school or training institution"

Page 1, remove lines 15 through 20

Page 1, line 21, remove "are paid for mileage"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2426: Industry, Business and Labor Committee (Sen. Klein, 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 2426 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 amend and reenact section 65-05-09.4 of the North Dakota Century Code, relating to workers' compensation additional benefit payable; and to provide for application.

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

**SECTION 1. AMENDMENT.** Section 65-05-09.4 of the North Dakota Century Code is amended and reenacted as follows:

**65-05-09.4. Additional benefit payable.**

1. If an injured employee's benefits cease under subsection 2 of section 65-05-09.3, the organization shall pay to that employee every twenty-eight days a benefit based on the length of time the injured employee received disability benefits during the term of that claim. The organization shall pay the injured employee's additional benefits until the employee's death or for a period of time not to exceed the total length of time the employee received disability benefits under sections 65-05-08, 65-05-08.1, 65-05-09, and 65-05-10, and a vocational rehabilitation allowance under chapter 65-05.1, for that claim, whichever occurs first. The benefit is based on the injured employee's compensation rate before any applicable social security offset. The percentage of that final payment payable as the additional benefit is:

At least 1 year and less than 3 years of disability	<del>5</del> <u>15</u> percent of weekly benefit.
At least 3 years and less than 5 years of disability	<del>40</del> <u>20</u> percent of weekly benefit.
At least 5 years and less than 7 years of disability	<del>45</del> <u>25</u> percent of weekly benefit.
At least 7 years and less than 9 years of disability	<del>20</del> <u>30</u> percent of weekly benefit.
At least 9 years and less than 11 years of disability	<del>25</del> <u>35</u> percent of weekly benefit.
At least 11 years and less than 13 years of disability	<del>30</del> <u>40</u> percent of weekly benefit.
At least 13 years and less than 15 years of disability	<del>35</del> <u>45</u> percent of weekly benefit.
At least 15 years and less than 17 years of disability	<del>40</del> <u>50</u> percent of weekly benefit.
At least 17 years and less than 20 years of disability	<del>45</del> <u>55</u> percent of weekly benefit.
Twenty or more years of disability	<del>50</del> <u>60</u> percent of weekly benefit.
2. However, the organization shall pay to an injured employee who has been determined to be catastrophically injured as defined by subdivision c of subsection 2 of section 65-05.1-06.1 an additional benefit, until the death of the employee, equal to one hundred percent of the final payment of the disability benefit that was discontinued under subsection 2 or 3 of section 65-05-09.3.

**SECTION 2. APPLICATION.** This Act applies to additional benefit payable payments made on or after the effective date of this Act."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2430: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2430 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2431: 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). SB 2431 was placed on the Sixth order on the calendar.

Page 1, line 11, after "state" insert "or shall make a reasonable effort to designate a doctor licensed in a state other than the employee's state of residence if the examination is conducted at a site within two hundred seventy-five miles [442.57 kilometers] from the employee's residence"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2432: 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). SB 2432 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 amend and reenact subsection 3 of section 65-05-28.2 of the North Dakota Century Code, relating to preferred providers for work-related injuries.

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

**SECTION 1. AMENDMENT.** Subsection 3 of section 65-05-28.2 of the North Dakota Century Code is amended and reenacted as follows:

3. After ~~sixty~~ thirty days have passed following the injury, the employee may make a written request to the organization to change providers. The employee shall make the request and serve it on the employer and the organization at least thirty days prior to treatment by the provider. The employee shall state the reasons for the request and the employee's choice of provider."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2434: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2434 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2435: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2435 was placed on the Eleventh order on the calendar.

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

**Fran A. Gronberg, Secretary**