

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, April 1, 2009

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

The prayer was offered by Aruna Seth, Bismarck-Mandan Unitarian Universalist Fellowship, Bismarck.

The roll was called and all members were present except Senators Fiebiger and Fischer.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1354, as engrossed: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ page 933 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1278, as engrossed: SEN. MILLER (Finance and Taxation Committee) MOVED that the amendments on SJ page 933 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1073, as engrossed and amended: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 937-938 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1093, as engrossed: SEN. HECKAMAN (Human Services Committee) MOVED that the amendments on SJ pages 938-939 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1330: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 939 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1082, as amended: SEN. OEHLKE (Appropriations Committee) MOVED that the amendments on SJ page 938 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1401: SEN. TRIPLETT (Finance and Taxation Committee) MOVED that the amendments on SJ page 933 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1235: A BILL for an Act to amend and reenact subsection 9 of section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax rate reduction for horizontal wells; to provide an effective date; to provide an expiration date; and to declare an emergency.

MOTION

SEN. DOTZENROD MOVED that Reengrossed HB 1235 be amended as follows:

That the proposed amendments to Reengrossed House Bill No. 1235 as printed on pages 877 and 878 of the Senate Journal be amended as follows:

Page 878 of the Senate Journal, line 15, replace "2012" with "2011"

Renumber accordingly

REQUEST

SEN. POTTER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed HB 1235, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed HB 1235, the roll was called and there were 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Hogue; Horne; Krauter; Marcellais; Mathern; Nelson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Stenehjerm; Triplett; Wanzek; Wardner

ABSENT AND NOT VOTING: Fischer; Lindaas

The proposed amendments to Reengrossed HB 1235 failed.

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 36 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bowman; Christmann; Cook; Dever; Erbele; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Bakke; Behm; Dotzenrod; Fiebiger; Krauter; Lindaas; Mathern; Potter; Robinson; Schneider

ABSENT AND NOT VOTING: Fischer

Reengrossed HB 1235, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1301: A BILL for an Act to create and enact sections 39-05-35 and 47-10-26 of the North Dakota Century Code, relating to the conversion of manufactured homes to real property and the affixation of manufactured homes to real property and the conveyance and encumbrance of manufactured homes as real property; and to amend and reenact sections 11-18-02.2, 35-01-05.1, 39-05-01, 39-05-02.2, 39-05-09, 39-05-09.2, 39-05-19, 39-05-20, 39-05-22, 47-01-03, 57-02-04, and 57-55-01 and subsection 2 of section 57-55-10 of the North Dakota Century Code, relating to manufactured homes.

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; 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; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Fischer

Engrossed HB 1301, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1266: A BILL for an Act to amend and reenact subsection 2 of section 40-57-02, subsection 11 of section 40-57-03, sections 40-57-04, 40-57-05, 40-57-07, and

40-57-14, and subsection 1 of section 40-57-19.1 of the North Dakota Century Code, relating to municipal industrial development bonds.

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; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Fischer

HB 1266, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1308: A BILL for an Act to amend and reenact subsection 2 of section 51-33-04 of the North Dakota Century Code, relating to temporary lifting of a security freeze; to provide an effective date; and to declare an emergency.

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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Erbele

ABSENT AND NOT VOTING: Fischer

Engrossed HB 1308, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1514: A BILL for an Act to amend and reenact section 24-02-37 of the North Dakota Century Code, relating to use of the special road fund.

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; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Fischer

Engrossed HB 1514, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and insurance; to authorize and provide an appropriation for additional full-time equivalent positions for workforce safety and insurance; and to create and

enact a new section to chapter 65-02 of the North Dakota Century Code, relating to providing a continuing appropriation for litigation expenses relating to employer and medical provider issues.

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; 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; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Fischer

Engrossed HB 1021, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1241: A BILL for an Act to amend and reenact section 57-12-09 of the North Dakota Century Code, relating to notice of increased assessment for property tax purposes.

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, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: O'Connell

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

ABSENT AND NOT VOTING: Fischer

HB 1241 lost.

SECOND READING OF HOUSE BILL

HB 1464: A BILL for an Act to amend and reenact subsection 14 of section 54-44.3-20, section 54-57-01, subsection 1 of section 54-57-03, sections 65-01-16, 65-02-01, 65-02-03.3, 65-02-22, 65-02-33, 65-04-19.3, and 65-04-32, subdivision b of subsection 3 of section 65-05-29, and subsection 2 of section 65-05.1-08 of the North Dakota Century Code, relating to the workforce safety and insurance board, workforce safety and insurance administrative hearings, and workforce safety and insurance personnel; to repeal sections 65-02-01.2 and 65-02-34 of the North Dakota Century Code, relating to the workforce safety and insurance personnel system and spending authority; and to declare an emergency.

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; 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; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Fischer

Engrossed HB 1464 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1433: A BILL for an Act to amend and reenact section 50-24.4-16 of the North Dakota Century Code, relating to nursing home rates; to provide an appropriation; to provide legislative intent; to provide an effective date; to provide an expiration date; and to declare an emergency.

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; 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; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Fischer

Engrossed HB 1433, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1222: A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code, relating to the composition of the North Dakota legislative council.

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

NAYS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; 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; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Fischer

Engrossed HB 1222 lost.

SECOND READING OF HOUSE BILL

HB 1161: A BILL for an Act to amend and reenact section 39-06-03.1, subsection 2 of section 39-06-07, section 39-06-07.1, subsection 3 of section 39-06-19, and subsection 1 of section 39-06.2-08 of the North Dakota Century Code, relating to legal presence for obtaining an operator's license or nondriver identification card, license renewal fees, and commercial driver's license fees.

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 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Dever; Fiebiger; Mathern; Nelson; Pomeroy; Triplett; Warner

ABSENT AND NOT VOTING: Fischer

Engrossed HB 1161 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1360: A BILL for an Act relating to a legislative council study of the rights of regional education association employees.

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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dotzenrod; Erbele; Fiebiger; 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; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Dever

ABSENT AND NOT VOTING: Fischer

HB 1360, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3048: A concurrent resolution directing the Legislative Council to study the bonding requirements placed on grain warehouses and buyers, including ethanol plants and grain processors; and ways to reduce further the financial risk of participants in the sale, purchase, handling, and processing of grain, including the sale of grain to ethanol plants and processors, the payment for grain by such entities, and whether there exists a need for new or increased bonding and indemnification options to reduce financial risk.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3048, as amended, was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3014: A concurrent resolution urging Congress not to replace "navigable water" with "waters of the United States" in any Clean Water Act-related legislation considered by Congress.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3014, as amended, was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3045: A concurrent resolution directing the Legislative Council to study severed and abandoned mineral rights and methods to reduce the discount for oil produced in North Dakota.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3045, as amended, was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3021: A concurrent resolution urging the United States Fish and Wildlife Service not to list the black-tailed prairie dog, *Cynomys ludovicianus*, as a threatened or endangered species under the Endangered Species Act.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3021, as amended, was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3005: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting the Revised Uniform Limited Liability Company Act, including consideration of issues other states have addressed in considering the Act.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3005 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3006: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting the Uniform Debt-Management Services Act, including consideration of the most appropriate administrator of the law, how the Act would impact existing state laws, and what issues other states have addressed in enacting the Act.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3006 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3022: A concurrent resolution urging Congress not to enact any unfunded education mandates.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3022 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3027: A concurrent resolution congratulating the Napoleon FFA team on its national championship.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3027 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3043: A concurrent resolution directing the Legislative Council to study laboratory safety at institutions of higher education.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3043 was declared lost on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3016: A concurrent resolution urging school districts to offer students a course in financial literacy.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3016 was declared adopted, and the title was agreed to on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that Senate rule 508 be amended, replacing "fifty-fifth legislative day" with "fifty-eighth legislative day", which motion prevailed.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1161, HCR 3005, HCR 3006, HCR 3016, HCR 3022, HCR 3027.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1464.

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

MR. SPEAKER: The Senate has failed to pass unchanged: HB 1222, HB 1241, HCR 3043.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1266, HB 1301, HB 1360, HB 1514, HCR 3014, HCR 3021, HCR 3045, HCR 3048.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1021.

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 1235, HB 1308, HB 1433.

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

MR. PRESIDENT: The House has passed unchanged: SB 2204, SB 2344, SB 2403, SB 2423.

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

MR. PRESIDENT: The House has failed to pass unchanged: SB 2070, SB 2123.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2040, SB 2125, SB 2165, SB 2191, SB 2232, SB 2243, SB 2251, SB 2401.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2040

Page 1, line 4, remove "to provide for"

Page 1, line 5, remove "a legislative council study;"

Page 3, remove lines 3 through 10

ReNUMBER accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2125

Page 1, line 2, after the second comma insert "and" and remove "4-09-17,"

Page 1, line 3, remove "4-10-14,"

Page 1, line 4, replace the comma with "and the"

Page 1, line 5, remove ", and seed labelers"

Page 3, remove lines 14 through 25

Page 4, remove lines 15 through 25

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2165

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to provisional hunting licenses; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-01.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.1. Director to appoint and train instructors - Prescribe course material and classroom sites - Certify completion. The director shall provide classroom instruction on, and shall select, train, and certify persons or department personnel qualified to provide instruction on, firearms and bow safety and hunter responsibility, and shall prescribe the course material to be used, classroom locations, and the dates for teaching the course in this state. The director also shall provide an online internet hunter safety education program for individuals age sixteen and over to complete the hunter safety education requirement. The director shall authorize the issuance of a certificate of completion to all persons satisfactorily completing the course.

SECTION 2. AMENDMENT. Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~No person shall~~ An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal ~~shall~~ must be issued as an integral part of the big game hunting license. ~~No person~~ Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license if that ~~person's~~ individual's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section ~~shall be~~ is a distinct and separate offense. The following provisions govern youth deer hunting:
 - a. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than sixteen years of age may participate in a youth season once in a lifetime;
 - b. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than fourteen years of age may participate only in the youth deer hunting season; and
 - c. An individual whose fourteenth birthday occurs on or before the opening date of the youth deer hunting season but is younger than sixteen years of age must participate in the regular deer gun lottery and, subject to subdivision a, may use that license for either the youth deer hunting season or the regular deer gun season.

SECTION 3. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Provisional license for residents over eighteen years of age. The director shall establish a provisional license for residents over eighteen years of age who have not completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2. A provisional license issued under this section entitles an individual to hunt small game and deer during any one season. An individual hunting with a provisional license issued under this section may hunt only under the direct supervision of an individual over eighteen years of age who has completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2 or has purchased a

license to hunt within the previous year. The director may not charge a fee for a provisional license issued under this section."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2191

Page 1, line 20, after "all" insert "real"

Page 1, line 21, replace "county" with "city"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2232

Page 3, line 10, after "served" insert "personally upon the third party by a sheriff, or may be served" and replace "for the judgment" with "by"

Page 3, line 11, remove "creditor or a sheriff through", after "mail" insert "to the third party, return receipt requested,", after the second "or" insert "by", and replace "to" with "upon"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2243

Page 1, line 5, remove "official, deputy, clerk, or assistant"

Page 1, line 6, after the first underscored comma insert "automated clearinghouse,"

Page 1, line 7, replace "charged by" with ", exchange fee, or other fee incurred by the county"

Page 1, line 8, remove "the credit card issuer"

Page 1, line 10, after "cards" insert "or other payment methods"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2251

Page 2, line 9, after "~~forty-five~~" insert "seventy-five dollars and not more than"

Page 2, line 10, after "hundred" insert "twenty-five"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2401

Page 1, line 5, replace "study" with "consider studying"

Renumber accordingly

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2359.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2359

Page 1, line 1, replace "section" with "sections" and after "11-11-05" insert ", 11-28-01, 11-28-02, 11-28-03, and 11-28-04"

Page 1, line 2, after "meetings" insert "and the board of county park commissioners"

Page 1, after line 16, insert:

"SECTION 2. AMENDMENT. Section 11-28-01 of the North Dakota Century Code is amended and reenacted as follows:

11-28-01. Board of county park commissioners - Appointment by county commissioners - Number. ~~The members of the board of county commissioners and shall establish a five-member to seven-member board of county park commissioners consisting of at least two members of the county commission and at least two resident citizens of the county appointed by the board of county commissioners shall constitute the board of county park commissioners.~~

SECTION 3. AMENDMENT. Section 11-28-02 of the North Dakota Century Code is amended and reenacted as follows:

11-28-02. Eligibility for appointment - Term - Vacancy - Compensation.

Any resident citizen of the county, including county, city, and township officers, is eligible for appointment to the board of county park commissioners. Each appointed county park commissioner shall hold office for a term of three years, or until a successor is appointed and qualified. Any vacancy in the board must be filled for the unexpired term by appointment by the board of county commissioners as soon as practicable. Each member of the county park board is entitled to receive the same compensation for services for each day actually engaged in the performance of the duties of the office as that paid a county commissioner but not to exceed a total of twenty-four days in any one year, and is entitled to reimbursement for actual necessary expenses incurred in the performance of the member's duties. ~~The Unless otherwise agreed upon, the board of county park commissioners shall meet at the time of the regular meetings of the board of county commissioners upon the order of the chairman, and appointed members only are entitled to compensation for attendance at the concurrent meetings.~~

SECTION 4. AMENDMENT. Section 11-28-03 of the North Dakota Century Code is amended and reenacted as follows:

11-28-03. County auditor, county treasurer, and state's attorney shall serve board. The county auditor or other official designated by the board shall serve as secretary of the board of county park commissioners and the county treasurer shall serve as treasurer of the board and custodian of all its funds from whatever source received. Such funds shall be placed in a separate fund and shall not be diverted to any other use or purpose. The state's attorney of the county shall act as legal adviser to the board and shall prosecute and defend any and all actions brought by or against said board. Neither the county auditor nor official designee, the county treasurer, nor the state's attorney shall receive any additional compensation for acting in their respective capacities.

SECTION 5. AMENDMENT. Section 11-28-04 of the North Dakota Century Code is amended and reenacted as follows:

11-28-04. Organization of board - Quorum - Meetings. Within twenty days after the appointment of the board of county park commissioners, and within twenty days after any change in its personnel, the board shall meet ~~in the courthouse of the county~~ and shall organize by selecting one of its members as chairman. ~~Two-thirds of the members of the board shall constitute a quorum at any meeting thereof. One-half or more of the members constitutes a quorum of the board.~~ The board shall hold such meetings as may be required for the transaction of its business and activities. ~~Meetings shall~~ If the board decides to hold meetings at a time other than the time for regular meetings of the board of county commissioners, the board shall draft a schedule of regular meetings to be held throughout the year. The schedule must be filed with the county auditor and the meetings must be noticed in accordance with section 44-04-20. A special or emergency meeting may be called by the secretary upon the order of the chairman, or upon the ~~written~~ request of the majority of the board with notice provided in accordance with section 44-04-20. ~~Such order or written request shall be entered on the minutes of the meeting so called. Notice of such meeting shall be delivered or mailed to each member at least five days prior to the date of the meeting. A meeting of the board may be called at any time by the chairman without notice and such meeting shall be legal and valid if attended by all members of the board."~~

Renumber accordingly

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2052, SB 2085, SB 2139, SB 2160, SB 2366, SCR 4001, SCR 4002, SCR 4003, SCR 4006, SCR 4009, SCR 4019, SCR 4022, SCR 4026, SCR 4028.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2124, SB 2291, SB 2399, SB 2420, SB 2429.

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

MR. PRESIDENT: Your signature is respectfully requested on: 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 President has signed: 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 President has signed: HB 1037, HB 1091, HB 1344, HB 1365, HCR 3044.

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, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Thursday, April 2, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1005, as engrossed: 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). Engrossed HB 1005 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "121,052" with "146,165" and replace "946,507" with "971,620"

Page 1, line 15, replace "(\$96,257)" with "(\$71,144)" and replace "2,228,985" with "2,254,098"

Page 2, line 2, replace "seventy-eight" with "eighty-three", replace "nine" with "five", and after "fifty-three" insert "fifty"

Page 2, line 3, replace "eighty-two" with "eighty-seven", replace "eight" with "seven", and replace "forty-five" with "twenty-eight"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98006.0303 FN 3

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

REPORT OF STANDING COMMITTEE

HB 1006, as engrossed: 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). Engrossed HB 1006 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "1,674,572" with "2,675,758" and replace "16,403,209" with "17,404,395"

Page 1, line 22, replace "10,753,819" with "11,755,005" and replace "40,735,270" with "41,736,456"

Page 2, line 1, replace "13,357,819" with "14,359,005" and replace "40,539,270" with "41,540,456"

Page 2, line 2, replace "0.00" with "(2.00)" and replace "133.00" with "131.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98007.0202 FN 2

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

REPORT OF STANDING COMMITTEE

HB 1008, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1008 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "943,713" with "1,404,750" and replace "6,618,641" with "7,079,678"

Page 1, line 19, replace "(450,000)" with "0" and replace "450,000" with "900,000"

Page 1, line 20, replace "2,863,803" with "3,774,840" and replace "15,651,087" with "16,562,124"

Page 1, line 21, replace "2,125,513" with "2,681,458" and replace "10,128,822" with "10,684,767"

Page 1, line 22, replace "738,290" with "1,093,382" and replace "5,522,265" with "5,877,357"

Page 1, line 23, replace "2.00" with "3.00" and replace "43.00" with "44.00"

Page 2, line 16, after "study" insert "public and private" and remove "that do not include the"

Page 2, line 17, remove "construction of a new facility" and replace the second "for the" with "subsequent to"

Page 2, line 18, remove "biennium beginning July 1, 2009, and ending"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98009.0201 FN 1

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

REPORT OF STANDING COMMITTEE

HB 1088, as engrossed: 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). Engrossed HB 1088 was placed on the Sixth order on the calendar.

Page 2, replace lines 3 through 6 with:

"b. A court of competent jurisdiction may issue an order or subpoena directing the tax commissioner to disclose state tax return information to a local, state, or federal law enforcement official conducting a criminal investigation if the court determines that the facts submitted by the applicant satisfy the following:"

Page 2, line 7, replace "reasonable" with "probable" and remove ", based upon information believed"

Page 2, line 8, remove "to be reliable," and after "committed" insert "and that the return or return information constitutes evidence of a criminal offense or may be relevant to a matter relating to the commission of the criminal offense"

Page 2, line 9, remove "There is reasonable cause to believe that the return or return"

Page 2, remove lines 10 and 11

Page 2, line 12, remove "(3)"

Page 2, line 14, replace "(4)" with "(3)"

Page 2, replace lines 16 through 31 with:

"c. Before obtaining an order under this subsection, a law enforcement official may request information from the tax commissioner as to whether a taxpayer, which is the subject of a criminal investigation for which a return or return information is or may be relevant to the commission of a criminal offense, has complied with the requirements of this chapter. For purposes of this request, the tax commissioner is limited to stating that the taxpayer has or has not complied with these requirements.

d. Except as required during court proceedings, tax return information disclosed to law enforcement under this section remains confidential during an active criminal investigation, after the investigation, after prosecution concludes, or until the time period for appeals has expired, whichever is later.

Page 3, remove lines 1 and 2

Page 3, replace lines 20 through 23 with:

- "b. A court of competent jurisdiction may issue an order or subpoena directing the tax commissioner to disclose state tax return information to a local, state, or federal law enforcement official conducting a criminal investigation if the court determines that the facts submitted by the applicant satisfy the following:"

Page 3, line 24, replace "reasonable" with "probable" and remove ", based upon information believed"

Page 3, line 25, remove "to be reliable." and after "committed" insert "and that the return or return information constitutes evidence of a criminal offense or may be relevant to a matter relating to the commission of the criminal offense"

Page 3, line 26, remove "There is reasonable cause to believe that the return or return"

Page 3, remove lines 27 and 28

Page 3, line 29, remove "(3)"

Page 4, line 1, replace "(4)" with "(3)"

Page 4, replace lines 3 through 20 with:

- "c. Before obtaining an order under this subsection, a law enforcement official may request information from the tax commissioner as to whether a taxpayer, which is the subject of a criminal investigation for which a return or return information is or may be relevant to the commission of a criminal offense, has complied with the requirements of this chapter. For purposes of this request, the tax commissioner is limited to stating that the taxpayer has or has not complied with these requirements.
- d. Except as required during court proceedings, tax return information disclosed to law enforcement under this section remains confidential during an active criminal investigation, after the investigation, after prosecution concludes, or until the time period for appeals has expired, whichever is later."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1116, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1116 was placed on the Sixth order on the calendar.

Page 1, line 4, after the second comma insert "43-10-15,"

Page 1, line 10, replace "shall" with "may" and remove "The seminars"

Page 1, remove lines 11 and 12

Page 2, after line 14, insert:

"SECTION 5. AMENDMENT. Section 43-10-15 of the North Dakota Century Code is amended and reenacted as follows:

43-10-15. License - Term - Renewal - Fee for renewal. A license to practice funeral service is valid ~~for one year~~ until the end of the year issued and may be renewed by the board upon the payment to the treasurer of the annual renewal fee before December thirty-first of each year. The amount of the fee may not exceed one hundred dollars. The board may refuse to renew a license for cause."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1195: 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 1195 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the underscored colon

Page 1, line 10, replace "(1) The" with "the"

Page 1, line 12, replace "(2) Entrance" with "entrance"

Page 1, line 14, replace "(3) A" with "a" and replace "paragraph 1 or 2" with "this subdivision"

Page 1, line 15, after the underscored period insert "The term does not include the uniform intermodal interchange and facilities access agreement administered by the intermodal association of North America or any other agreement providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment."

Page 1, line 21, after the first underscored comma insert "any portion of"

Page 2, line 2, after "unenforceable" insert "to the extent that the loss or damage:

- a. Occurs during the motor carrier's presence on the promisee's premises and is caused by or results from the negligent or intentional acts or omissions of the promisee; or
- b. Is caused by or results from defects of the equipment used to transport the promisee's property, unless the defects:
 - (1) Relate to equipment owned by the motor carrier or as to which the motor carrier has the responsibility to visually and audibly check before use; or
 - (2) Were caused by or resulted from the negligent or intentional acts or omissions of the motor carrier or the motor carrier's agency, employee, vendor, or subcontractor.
3. Under subsection 2, the motor carrier is responsible to visually and audibly check before use of equipment as listed in exhibit A of the uniform intermodal interchange and facilities access agreement that was in effect on November 4, 2008"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1198, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1198 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1237, as engrossed: 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). Engrossed HB 1237 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "attorney general" with "director of the department of corrections and rehabilitation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1238, as engrossed: 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). Engrossed HB 1238 was placed on the Sixth order on the calendar.

Page 1, line 20, remove "Subject to the requirements of section 2 of this Act, a" and overstrike "county or city" and insert immediately thereafter "Subject to the requirements of section 2 of this Act, the governing body of a correctional facility"

Page 1, line 21, after "a" insert "regional correctional center," and after "county" insert an underscored comma

Page 2, line 1, remove the overstrike over "The", replace "A county or city" with "governing body of a correctional facility", after the second "a" insert "regional correctional center,", and after "county" insert an underscored comma

Page 2, line 4, overstrike "A city or county" and insert immediately thereafter "The governing body of a correctional facility"

Page 2, line 7, overstrike "A city or county" and insert immediately thereafter "The governing body of a correctional facility"

Page 2, line 9, overstrike "A city or county" and insert immediately thereafter "The governing body of a correctional facility"

Page 2, line 14, replace "A" with "The governing body of a"

Page 2, line 15, after "a" insert "regional correctional center," and after "county" insert an underscored comma

Page 3, line 7, replace "state warden" with "department of corrections and rehabilitation"

Page 4, line 22, replace "or" with an underscored comma and after "county" insert ", or regional correctional center"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1252: 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). HB 1252 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 section 14-03-20.2 of the North Dakota Century Code, relating to middle name options.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 14-03-20.2 of the North Dakota Century Code is created and enacted as follows:

14-03-20.2. Middle name options. One party or both parties to a marriage may elect to change the middle name by which that individual wishes to be known after the solemnization of the marriage by entering the new middle name in the space provided on the marriage license application. If an individual elects to change that individual's middle name, the middle name entry on the application must consist of the premarriage surname or former surname of that individual."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1263: 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). HB 1263 was placed on the Sixth order on the calendar.

Page 1, line 2, after "facilities" insert "; and to provide for a legislative council study"

Page 2, after line 9, insert:

"SECTION 2. LEGISLATIVE COUNCIL STUDY - BASIC CARE AND ASSISTED LIVING FACILITIES. During the 2009-10 interim, the legislative council shall study how the state laws and administrative rules regulate basic care and assisted living facilities. The study must include consideration of whether the state's designations of basic care and assisted living as care categories are outmoded or inconsistent with industry categories of care and a review of the definitions used in services offered by and the licensure and registration process used in regulating basic

care and assisted living facilities. 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

HB 1269: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1269 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-12.1 of the North Dakota Century Code, relating to discipline of an unlicensed assistive person practicing without registration; to"

Page 1, line 2, after "registration" insert "; and to provide for a legislative council study"

Page 1, line 7, remove "1."

Page 1, line 12, overstrike the third "or"

Page 1, line 13, after "treatment" insert "; or issue a nondisciplinary letter of concern to a licensee, registrant, or applicant"

Page 1, line 14, remove the overstrike over "~~4.~~" and remove "a."

Page 1, line 18, remove the overstrike over "~~2.~~" and remove "b."

Page 1, line 22, remove the overstrike over "~~3.~~" and remove "c."

Page 2, line 1, remove the overstrike over "~~4.~~" and remove "d."

Page 2, line 4, remove the overstrike over "~~5.~~" and remove "e."

Page 2, line 6, remove the overstrike over "~~6.~~" and remove "f."

Page 2, line 8, remove the overstrike over "~~7.~~", remove "g.", after "nursing" insert "or assisted in the practice of nursing", and after "license" insert "or registration"

Page 2, line 10, remove the overstrike over "~~8.~~" and remove "h."

Page 2, line 12, remove the overstrike over "~~9.~~" and remove "i."

Page 2, replace lines 15 through 18 with:

"SECTION 2. A new section to chapter 43-12.1 of the North Dakota Century Code is created and enacted as follows:

Unlicensed assistive person - Practice without a registration. If the board determines an unlicensed assistive person, whose registration has expired, violated subsection 7 of section 43-12.1-14 by practicing without a current registration for a period of up to four months from the initial date of employment, the action of the board in the case of a first violation is limited to the issuance of a letter of concern.

SECTION 3. LEGISLATIVE COUNCIL STUDY. During the 2009-10 interim, the legislative council shall study any steps necessary to enable the state department of health to administer the registry for certified nurse assistants and nurse assistants, and examine the possibility of one registry and a potential location for that registry. 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

HB 1288, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1288 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1299: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1299 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1316, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1316 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "amend and reenact sections 52-06.2-02 and 53-06.2-03 and subsection 6"

Page 1, remove line 2

Page 1, line 3, remove "the authority of the attorney general; and to"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 22

Page 3, line 25, replace "2009" with "2011"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1387, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1387 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1398, 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 1398 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "at least sixty percent" with "a majority"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1399, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed HB 1399, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1416, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1416 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1458: 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). HB 1458 was placed on the Sixth order on the calendar.

Page 4, line 3, remove "or the trustee's spouse, parent, descendant, or sibling, or their"

Page 4, line 4, remove "spouses"

Page 4, line 5, replace "if the transaction" with ". This presumption is a rebuttable presumption."

Page 4, remove lines 6 and 7

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1517, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1517 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1573, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1573 was placed on the Sixth order on the calendar.

Page 1, line 2, after "programs" insert "and for funding of human services and other state programs"

Page 1, line 12, after the period insert "The study also must include a comprehensive review of funding for human services and other state programs, focusing on the feasibility of improving access to care and providers for clients through the use of a voucher system, including programs related to mental health services, addiction treatment, counseling services, and transition services."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3008: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3008 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3013: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3013 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3032: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3032 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3058, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3058 was placed on the Fourteenth order on the calendar.

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

Fran A. Gronberg, Secretary

