

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, February 11, 2011

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

The prayer was offered by Chaplain Burnie Kunz, Medcenter One, Bismarck.

The roll was called and all members were present except Senator Triplett.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2320: SEN. MILLER (Finance and Taxation Committee) MOVED that the amendments on SJ pages 364-366 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2108: SEN. DEVER (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 354-356 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2331: SEN. OEHLKE (Finance and Taxation Committee) MOVED that the amendments on SJ pages 366-367 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that SB 2231 not be rereferred to the **Appropriations Committee**, but be placed on the Eleventh order of business for the succeeding legislative day, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2271 be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2271 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that SCR 4003 be placed after SB 2272 on the Sixth order of business on the calendar, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that following Sixth order action, SB 2315 and SB 2185 be placed at the top of the Eleventh order for second reading and final passage, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2363 be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2272: SEN. ERBELE (Appropriations Committee) MOVED that the amendments on SJ page 360 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SCR 4003: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ page 367 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2315: SEN. DEVER (Human Services Committee) MOVED that the amendments on SJ pages 360-364 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. OLAFSON REQUESTED a verification vote, which request was granted.

The question being on the motion to adopt the amendments to SB 2315, the motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2315: A BILL for an Act to create and enact a new section to chapter 43-12.1 of the North Dakota Century Code, relating to creation of a lay and traditional midwife registry; to amend and reenact sections 43-12.1-02, 43-12.1-09, and 43-12.1-09.1 of the North Dakota Century Code, relating to the registry of lay and traditional midwives; to provide for a legislative management study; and to provide an expiration date.

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 20 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berry; Burckhard; Dever; Erbele; Fischer; Freborg; Heckaman; Hogue; Holmberg; Krebsbach; Laffen; Lee, G.; Lee, J.; Miller; Murphy; Nodland; Sorvaag; Uglen; Wanzek; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dotzenrod; Flakoll; Grindberg; Kilzer; Klein; Larsen; Luick; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Stenehjem; Taylor; Wardner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2315 lost.

CONSIDERATION OF AMENDMENTS

SB 2185: SEN. LAFFEN (Political Subdivisions Committee) MOVED that the amendments on SJ pages 356-358 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2185: A BILL for an Act to create a new section to chapter 43-52 of the North Dakota Century Code, relating to the regulation of sign language interpreters; to amend and reenact sections 43-52-01, 43-52-02, and 43-52-03 of the North Dakota Century Code, relating to regulation of sign language interpreters; to provide a penalty; 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 PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Uglen; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2185 passed.

SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2007 passed.

SECOND READING OF SENATE BILL

SB 2366: A BILL for an Act to amend and reenact section 54-21.3-07 of the North Dakota Century Code, relating to inspections of modular structures.

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 34 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berry; Burckhard; Cook; Dever; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Krebsbach; Laffen; Larsen; Lee, J.; Lyson; Marcellais; Mathern; Murphy; Nelson; Nething; Nodland; Olafson; Robinson; Schaible; Schneider; Sorvaag; Stenehjerm; Taylor; Uglem; Wardner; Warner

NAYS: Andrist; Bowman; Christmann; Erbele; Klein; Lee, G.; Luick; Miller; O'Connell; Oehlke; Sitte; Wanzek

ABSENT AND NOT VOTING: Triplett

SB 2366 passed.

SECOND READING OF SENATE BILL

SB 2368: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an individual and corporate income tax credit for surface owners of property on which oil or gas wellheads are located; 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 12 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Heckaman; Hogue; Lyson; Marcellais; Mathern; Nodland; O'Connell; Schneider; Wanzek

NAYS: Berry; Burckhard; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Miller; Murphy; Nelson; Nething; Oehlke; Olafson; Robinson; Schaible; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2368 lost.

SECOND READING OF SENATE BILL

SB 2227: A BILL for an Act to create and enact two new subsections to section 20.1-01-02 and a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to definitions and powers of the director of the game and fish department; to amend and reenact sections 20.1-02-28 and 20.1-05-02 of the North Dakota Century Code, relating to the deerproof hay yard program and culpability requirement for unlawfully taking big game; and to declare an emergency.

MOTION

SEN. WANZEK MOVED that Engrossed SB 2227 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 10, remove "food."

Renumber accordingly

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 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

NAYS: Lee, J.

ABSENT AND NOT VOTING: Triplett

Reengrossed SB 2227 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2122: A BILL for an Act to amend and reenact subsections 3 and 4 of section 19-02.1-14.1 of the North Dakota Century Code, relating to electronic prescriptions.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2122 passed.

SECOND READING OF SENATE BILL

SB 2360: A BILL for an Act to amend and reenact section 57-40.3-02.1 of the North Dakota

Century Code, relating to motor vehicle excise tax for a schoolbus lease; 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 8 YEAS, 38 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Marcellais; Mathern; Nelson; O'Connell; Robinson; Schneider; Taylor

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Murphy; Nething; Nodland; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjerm; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2360 lost.

SECOND READING OF SENATE BILL

SB 2321: A BILL for an Act to provide for a legislative management study relating to the feasibility and desirability of extending tax relief for assistance to mobilized soldiers.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2321 passed.

SECOND READING OF SENATE BILL

SB 2135: A BILL for an Act to amend and reenact subdivision a of subsection 6 of section 50-29-04 of the North Dakota Century Code, relating to the income eligibility limit for the children's health insurance program; 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 11 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Taylor; Warner

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjerm; Uglem; Wanzek; Wardner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2135 lost.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to create and enact a new chapter to title 26.1 of the North Dakota Century Code, relating to property and casualty certificates of insurance.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2062 passed.

SECOND READING OF SENATE BILL

SB 2261: A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to a moratorium on granting licenses to new intermediate care facilities for the mentally retarded.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2261 lost.

SECOND READING OF SENATE BILL

SB 2060: A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to honor guard leave for state employees.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2060 passed.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for defraying the expenses of various state departments and institutions; to provide for a transfer; 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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2023 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the securities commissioner.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Freborg; Triplett

SB 2011 passed.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2005 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2034, SB 2180, SB 2184, SB 2215, SB 2282, SB 2292, SB 2303.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2245, SB 2322.

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 1077, HB 1092, HB 1136, HB 1162, HB 1164, HB 1278, HB 1305, HB 1311, HB 1327, HB 1376.

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 1424.

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 Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 14, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2010: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2010 was placed on the Sixth order on the calendar.

Page 1, replace line 12 with:

"Salaries and wages	\$6,335,670	\$558,343	\$6,894,013"
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Page 1, replace line 13 with:

"Operating expenses	2,063,264	1,368,636	3,431,900"
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Page 1, replace line 16 with:

"Total special funds	\$15,558,934	\$1,826,979	\$17,385,913"
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Page 1, replace line 17 with:

"Full-time equivalent positions	45.50	0.00	45.50"
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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2010 - Insurance Department - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$7,677,595	(\$783,582)	\$6,894,013
Operating expenses	3,699,553	(267,653)	3,431,900
Capital assets	70,000		70,000
Grants	6,990,000		6,990,000
	\$18,437,148	(\$1,051,235)	\$17,385,913
Total all funds			

Less estimated income	18,437,148	(1,051,235)	17,385,913
	\$0	\$0	\$0
General fund	50.50	(5.00)	45.50
FTE			

Department No. 401 - Insurance Department - Detail of Senate Changes

	Removes Funding for Federal Health Care Reform ¹	Total Senate Changes
Salaries and wages	(\$783,582)	(\$783,582)
Operating expenses	(267,653)	(267,653)
Capital assets		
Grants		
	(\$1,051,235)	(\$1,051,235)
Total all funds		
Less estimated income	(1,051,235)	(1,051,235)
	\$0	\$0
General fund		
	(5.00)	(5.00)
FTE		

¹ Funding and related FTE positions related to federal health care reform provided in the executive budget are removed.

REPORT OF STANDING COMMITTEE

SB 2022: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2022 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2169: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2169 was placed on the Sixth order on the calendar.

Page 1, remove line 7

Page 1, line 8, replace "the house of representatives and the senate." with "The senate shall adopt rules regarding the recording of senate floor sessions and the house of representatives shall adopt rules regarding the recording of house floor sessions."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2213: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2213 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2253: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2253 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2256: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2256 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2262: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2262 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2273: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).

SB 2273 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2276: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2276 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "and "insurer" have the same meaning as provided under"

Page 1, replace line 15 with "means any hospital and medical expense-incurred policy, nonprofit health care service plan contract, health maintenance organization subscriber contract, or any other health care plan or arrangement that pays for or furnishes benefits that pay the costs of or provide medical, surgical, or hospital care or, if selected by the eligible individual, chiropractic care.

- a. Health insurance coverage does not include any one or more of the following:
 - (1) Coverage only for accident, disability income insurance, or any combination of the two;
 - (2) Coverage issued as a supplement to liability insurance;
 - (3) Liability insurance, including general liability insurance and automobile liability insurance;
 - (4) Workforce safety and insurance or similar insurance;
 - (5) Automobile medical payment insurance;
 - (6) Credit-only insurance;
 - (7) Coverage for onsite medical clinics; and
 - (8) Other similar insurance coverage, specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.
- b. Health insurance coverage does not include the following benefits if the benefits are provided under a separate policy, certificate, or contract of insurance or are otherwise not an integral part of the plan:
 - (1) Limited scope dental or vision benefits;
 - (2) Benefits for long-term care, nursing home care, home health care, community-based care, or any combination of this care; and
 - (3) Other similar limited benefits specified under federal regulations issued under the Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.].
- c. Health insurance coverage does not include any of the following benefits if the benefits are provided under a separate policy, certificate, or contract of insurance; there is no coordination between the provision of the benefits; any exclusion of benefits under any group health insurance coverage maintained by the same plan sponsor; and the benefits are paid with respect to an event without regard to whether benefits are provided with respect to such an event under any group health plan maintained by the same sponsor:
 - (1) Coverage only for specified disease or illness; and
 - (2) Hospital indemnity or other fixed indemnity insurance.

d. Health insurance coverage does not include the following if offered as a separate policy, certificate, or contract of insurance:

(1) Coverage supplemental to the coverage provided under chapter 55 of United States Code title 10 [10 U.S.C. 1071 et seq.] relating to armed forces medical and dental care; and

(2) Similar supplemental coverage provided under a group health plan."

Page 1, line 17, after "7." insert "Insurer" means any insurance company, nonprofit health service organization, fraternal benefit society, health maintenance organization, and any other entity providing or selling health insurance coverage or health benefits that are subject to state insurance regulation.

8."

Page 1, line 21, replace "8." with "9."

Page 2, line 1, replace "9." with "10."

Page 2, line 4, replace "10." with "11."

Page 2, line 6, replace "11." with "12."

Page 2, line 7, after "state" insert ", who receives vaccinations from a North Dakota provider."

Page 2, after line 8, insert:

"13. "Third-party administrator" means a person that administers payments for health care services on behalf of a client health plan in exchange for an administrative fee."

Page 2, line 9, replace "12." with "14."

Page 2, line 11, replace "13." with "15."

Page 3, line 4, after "community" insert "involved in biotechnology with an emphasis in immunization vaccine research"

Page 4, line 7, after "c." insert "Establish a policy for conducting a reconciliation process to ascertain that assessments were fair and equitable and to consider adjustments to future assessments;

d."

Page 4, line 8, replace "d." with "e."

Page 6, line 11, replace "must" with "may"

Page 6, remove lines 21 through 25

Page 6, line 29, after the underscored period insert "All interest and earnings of the fund must be retained in the fund."

Page 6, line 29, after "credit" insert "for this assessment"

Page 7, line 14, replace "an" with "a required"

Page 7, line 14, remove "required by this"

Page 7, line 15, replace "section" with "within four weeks of vaccination"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2308, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2308 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2324: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2324 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2328: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2328 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2346: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2346 was placed on the Sixth order on the calendar.

Page 1, line 16, overstrike "or" and insert immediately thereafter an underscored comma

Page 1, line 16, after "guardian's" insert ", grandparent's, sibling's, aunt's, or uncle's"

Page 1, line 23, overstrike "or" and insert immediately thereafter an underscored comma

Page 1, line 23, after "guardian" insert ", grandparent, sibling, aunt, or uncle"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4011: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4011 was placed on the Eleventh order on the calendar.

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

William R. Horton, Secretary