

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, February 8, 2001

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor James A Baneck, Messiah Lutheran Church, Bismarck.

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

A quorum was declared by the President.

## REPORT OF DELAYED BILLS COMMITTEE

**MR. PRESIDENT:** Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has cast a vote of 5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to adopt a Simplified Sales and Use Tax Administration Act.

The bill will be SB 2455.

## REPORT OF DELAYED BILLS COMMITTEE

**MR. PRESIDENT:** Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has cast a vote of 5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING in favor of rejecting the introduction of a bill for an Act to amend and reenact section 16.1-11-15 of the North Dakota Century Code, relating to the circulation of petitions to place a political party on the primary election ballot.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2374, which is on the Eleventh order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2374 was rereferred.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2387 be returned to the Senate floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**SEN. CHRISTMANN REQUESTED** the unanimous consent of the Senate to withdraw SB 2387. There being no objection, it was so ordered by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that the rules be suspended, and that after action taken on the Sixth order, all bills on that order be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2098, as engrossed: SEN. T. MATHERN (Human Services Committee) MOVED** that the amendments on SJ page 329 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2098:** A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on expansion of basic and long-term care bed capacity.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bowman; Mutch; Solberg

**ABSENT AND NOT VOTING:** Freborg; Tomac

Reengrossed SB 2098 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2013: SEN. BOWMAN (Appropriations Committee) MOVED** that the amendments on SJ pages 325-326 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2013:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Freborg; Tomac

Engrossed SB 2013 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2015: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 326-328 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to provide a continuing appropriation; to authorize transfers; to limit Bank of North Dakota transfers to the general fund; to provide legislative intent; to provide for a legislative council study; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Freborg; Tomac

Engrossed SB 2015 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**SB 2099: SEN. HEITKAMP (Appropriations Committee) MOVED** that the amendments on SJ pages 329-330 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2099:** A BILL for an Act to amend and reenact subsection 3 of section 38-08-04.5, section 38-08-21, and subsection 7 of section 38-12-01 of the North Dakota Century Code, relating to the abandoned oil and gas well plugging and site reclamation fund, control of gas and oil resources, and subsurface mineral regulation; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Freborg; Tomac

Engrossed SB 2099 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2124: SEN. ANDRIST (Appropriations Committee) MOVED** that the amendments on SJ page 330 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2124:** A BILL for an Act to create and enact a new subsection to section 23-25-01 and a new subsection to section 23-25-03 of the North Dakota Century Code, relating to lead-based paint remediation and abatement; to amend and reenact section 23-25-03.1 and subsection 1 of section 23-25-05 of the North Dakota Century Code, relating to lead-based paint remediation and abatement; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Mutch

**ABSENT AND NOT VOTING:** Freborg; Tomac

Engrossed SB 2124 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2153: SEN. D. MATHERN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 330 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2153:** A BILL for an Act to amend and reenact section 34-14-09 of the North Dakota Century Code, relating to the time period during which unpaid wages may be collected by the commissioner of labor on behalf of a wage claimant.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjorn; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Freborg; Tomac

Engrossed SB 2153 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2246: SEN. ESPEGARD (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 330-331 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2246:** A BILL for an Act to create and enact a new section to chapter 26.1-33 of the North Dakota Century Code, relating to the duties of a trustee of a life insurance trust.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjorn; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Freborg; Tomac

Engrossed SB 2246 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2276: SEN. ANDRIST (Appropriations Committee) MOVED** that the amendments on SJ page 331 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2276:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to a dentists' loan repayment program; to provide an appropriation; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjorn; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Freborg; Tomac

Engrossed SB 2276 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**SB 2320: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 331-333 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2320:** A BILL for an Act to create and enact a new section to chapter 58-03 and a new subsection to section 58-03-07 of the North Dakota Century Code, relating to sales, use, and excise taxes imposed by townships.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 12 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Christenson; Every; Heitkamp; Kelsh; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; O'Connell; Polovitz; Tallackson

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nething; Nichols; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Freborg

Engrossed SB 2320 lost.

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**CONSIDERATION OF AMENDMENTS**

**SB 2346: SEN. KROEPLIN (Finance and Taxation Committee) MOVED** that the amendments on SJ page 333 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2346:** A BILL for an Act to amend and reenact section 40-22-18 of the North Dakota Century Code, relating to exclusion of tax-exempt property from consideration in protests against special improvement projects.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Nichols; Stenehjem

**ABSENT AND NOT VOTING:** Freborg; Nething

Engrossed SB 2346 passed and the title was agreed to.

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**REQUEST**

**SEN. NETHING REQUESTED** that the record reflect he intended to vote AYE on SB 2346, which request was granted.

**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 2265, SB 2383, SB 2426.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1151.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1025, HB 1099, HB 1101, HB 1105, HB 1123, HB 1125, HB 1216, HB 1297, HB 1425.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1050.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1050.

#### MOTION

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

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 9, 2001, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2115: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2115 was placed on the Sixth order on the calendar.

Page 1, line 12, remove the second "and"

Page 1, line 13, replace the second period with ";

- e. Secretary of state with respect to contractor licensing;
- f. State board of medical examiners; and
- g. State board of dental examiners."

Page 2, line 15, after the period insert:

"1."

Page 2, line 16, after "license" insert "and by this title"

Page 2, line 20, replace the first "person" with "individual" and replace the second "person" with "individual"

Page 2, line 21, replace "section" with "subsection"

Page 2, after line 21, insert:

- "2. A foreign practitioner may provide services in this state which fall within the scope of practice designated by the foreign practitioner's license and by this title without obtaining a license from the appropriate board if the services are provided through a remote means and are a continuation of an existing relationship between the foreign practitioner and the individual receiving the services which was formed in the state or jurisdiction in which the foreign practitioner is currently licensed."

Page 2, line 24, after the first "license" insert "and by this title"

Page 2, line 27, after "include" insert "verified"

Page 2, line 29, after "is" insert "licensed and", after "standing" insert "in that jurisdiction and any other information requested by the board", and after "A" insert "notice provided under this section, if accompanied by sufficient documentation, is deemed to be accepted unless denied by the board. If a notice under this section is denied, the foreign practitioner immediately shall cease providing services under this section and may not resume providing services until after a successful appeal of the board's decision under chapter 28-32 or after an application for privileges under this section is reviewed and approved by the board."

Page 2, remove line 30

Page 3, remove lines 1 and 2

Page 3, line 5, after the first "license" insert "and by this title"

Page 3, line 7, remove "of receipt by the board of" and after "application" insert "is approved by the board"

Page 3, line 8, after "include" insert "verified"

Page 3, line 10, after "is" insert "licensed and", after "standing" insert "in that jurisdiction and any other information requested by the board", and remove "A foreign practitioner who provides"

Page 3, remove lines 11 and 12

Page 3, line 13, remove "appropriate board."

Page 3, line 16, remove "An application under this section, if accompanied by sufficient"

Page 3, remove lines 17 through 20

Page 3, line 21, replace "Notwithstanding any other provision of law, a" with "A"

Page 3, line 23, replace "in" with "for" and remove "for"

Page 3, line 24, replace "other" with "shorter"

Page 3, line 26, remove "established by the board" and replace "Notwithstanding any other provision of law, a" with "A"

Page 3, line 29, after the period insert "This section does not prohibit a board from requiring a foreign practitioner to take an examination regarding the laws of this state and the rules established by the board."

Page 3, line 30, after the second comma insert "conditions and"

Page 4, line 5, after the period insert "A foreign practitioner's authority to practice an occupation or profession under this chapter is subject to denial, probation, suspension, revocation, or other form of discipline for the same grounds as individuals licensed by the appropriate board in this state."

Page 4, after line 16, insert "A disciplinary action under this section against a foreign practitioner is subject to chapter 28-32."

Page 4, line 17, after "**Jurisdiction**" insert "- **Service of process**"

Page 4, line 18, after "state" insert "and the appropriate board, to be bound by the laws of this state and the rules established by the appropriate board,"

Page 4, after line 21, insert "Service on the secretary of state of any process, notice, or demand is deemed personal service upon the foreign practitioner and must be made by filing with the secretary of state an original and two copies of the process, notice, or demand, with the filing fee of twenty-five dollars. A member of the legislative assembly or a state or county officer may not be charged for filing any process, notice, or demand for service. The secretary of state shall immediately forward a copy of the process, notice, or demand by registered mail, addressed to the foreign practitioner at the address provided by the filer."

Page 4, line 22, after the period insert "This chapter applies notwithstanding any other limitation in state law on the practice of an occupation or profession."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2251: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2251 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "and" and after "funds" insert "; and to provide for reports to the legislative council"

Page 6, after line 22, insert:

**"SECTION 10. SUPERINTENDENT OF PUBLIC INSTRUCTION TO REPORT TO LEGISLATIVE COUNCIL.** During the 2001-03 biennium, the superintendent of public instruction shall vigorously pursue grant funds for projects and initiatives relating to the use of technology in elementary and secondary education. The superintendent of public instruction shall report to the legislative council, when requested by the legislative council, at least once every five months during the 2001-02 interim."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2252: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2252 was placed on the Sixth order on the calendar.

Page 1, line 7, after "œ" insert "up to", after "dollars" insert "of expenses incurred by the taxpayer which are not reimbursed by any federal, state, or political subdivision source,", and after "each" insert "special needs"

Page 1, line 8, overstrike "twenty-one" and insert immediately thereafter "eighteen" and after the period insert "For purposes of this paragraph, a "special needs child" is a child who has any of the special needs described in section 50-09-02.2."

Page 1, line 10, after "adopted" insert "special needs"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2269: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2269 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2285: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2285 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2302: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2302 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 7 of" and after "26.1-26.4-02" insert ", subsection 1 of section 26.1-26.4-04, subdivision c of subsection 4 of section 26.1-26.4-04, and subsection 10 of section 26.1-26.4-04"

Page 1, line 2, replace "the definition" with "retroactive reviews as part"

Page 1, line 4, replace "Subsection 7 of section" with "Section"

Page 1, replace lines 6 through 10 with:

**"26.1-26.4-02. Definitions.** For purposes of this chapter, unless the context requires otherwise:

1. "Commissioner" means the insurance commissioner.
2. "Emergency medical condition" means a medical condition of recent onset and severity, including severe pain, that would lead a prudent layperson acting reasonably and possessing an average knowledge of health and medicine to believe that the absence of immediate medical attention could reasonably be expected to result in serious impairment to bodily function, serious dysfunction of any bodily organ or part, or would place the person's



health, or with respect to a pregnant woman the health of the woman or her unborn child, in serious jeopardy.

3. "Emergency services" means health care services, supplies, or treatments furnished or required to screen, evaluate, and treat an emergency medical condition.
4. "Enrollee" means an individual who has contracted for or who participates in coverage under an insurance policy, a health maintenance organization contract, a health service corporation contract, an employee welfare benefit plan, a hospital or medical services plan, or any other benefit program providing payment, reimbursement, or indemnification for health care costs for the individual or the individual's eligible dependents.
5. "Health care insurer" includes an insurance company as defined in section 26.1-02-01, a health service corporation as defined in section 26.1-17-01, a health maintenance organization as defined in section 26.1-18.1-01, and a fraternal benefit society as defined in section 26.1-15.1-02.
6. "Provider of record" means the physician or other licensed practitioner identified to the utilization review agent as having primary responsibility for the care, treatment, and services rendered to an individual.
7. "Retrospective" means utilization review of medical necessity which is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding, or adjudication for payment.
8. "Utilization review" means a system for prospective, retrospective, and concurrent review of the necessity and appropriateness in the allocation of health care resources and services that are subject to state insurance regulation and which are given or proposed to be given to an individual within this state. Utilization review does not include elective requests for clarification of coverage.
8. 9. "Utilization review agent" means any person or entity performing utilization review, except:
  - a. An agency of the federal government; or
  - b. An agent acting on behalf of the federal government or the department of human services, but only to the extent that the agent is providing services to the federal government or the department of human services.

**SECTION 2. AMENDMENT.** Subsection 1 of section 26.1-26.4-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Notification of a determination by the utilization review agent must be mailed or otherwise communicated to the provider of record or the enrollee or other appropriate individual within two business days of the receipt of the request for determination and the receipt of all information necessary to complete the review.In the case of a retrospective review, the utilization review agent has five business days after receipt of all information necessary to complete the review to notify the provider of record, enrollee, or appropriate individual.

**SECTION 3. AMENDMENT.** Subdivision c of subsection 4 of section 26.1-26.4-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- c. Utilization review agents shall provide for an expedited appeals process for emergency or life-threatening situations. Utilization review agents shall complete the adjudication of expedited appeals within forty-eight hours of the date the appeal is filed and the receipt of all information necessary to complete the appeal.The expedited appeals process is not applicable to retrospective reviews.

**SECTION 4. AMENDMENT.** Subsection 10 of section 26.1-26.4-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10. When an initial appeal to reverse a determination is unsuccessful, a subsequent determination regarding hospital, medical, or other health care services provided or to be provided to a patient which may result in a denial of third-party reimbursement or a denial of precertification for that service must include the evaluation, findings, and concurrence of a physician trained in the relevant specialty to make a final determination that care provided or to be provided was, is, or may be medically inappropriate. Subsequent determinations for retrospective reviews must be completed no later than thirty days from the date the appeal is filed and all information necessary to complete the appeal is received."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2303: Human Services Committee (Sen. Lee, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2303 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2307: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2307 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "a" with "the"

Page 1, line 23, replace "subtracted from" with "minus"

Page 2, after line 4, insert:

"If the secretary of the United States department of health and human services determines that funds otherwise available for the program in this state must be reduced or eliminated if the department of human services administers the program in accordance with any provision of this Act, the department of human services shall administer the program in a manner that avoids the reduction or loss."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2308: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2308 was placed on the Sixth order on the calendar.

Page 2, line 2, replace "\$750,000" with "\$600,000"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2326: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2326 was placed on the Sixth order on the calendar.

Page 1, line 14, after "year" insert ", except for an association participant who is absent from the state for a verifiable medical reason as determined by the association board"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2328: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2328 was placed on the Sixth order on the calendar.

Page 1, line 19, after "upon" insert "written" and after "the" insert "freeholder"

Page 2, line 10, replace "If the board of township supervisors receives protests" with "At the special township meeting for public disclosure of the findings of the engineer, the freeholder electors of the township in attendance are entitled to vote on the question of whether to proceed with the improvement project. Upon approval by sixty percent or more of the township freeholder electors voting on the question at the meeting, the improvement project may proceed. If fewer than sixty percent of township freeholder electors voting on the question approve the project, the election result is a bar against proceeding further with the improvement project described in the plans and specifications. An election result barring proceeding further with the improvement project does"

Page 2, remove lines 11 and 12

Page 2, line 13, remove "bar against proceeding further with the improvement project. The bar action will"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2340: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2340 was placed on the Sixth order on the calendar.

Page 1, line 11, after "Code" insert ", or amendments thereto,"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2345: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2345 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2348: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2348 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "arriving at the true and full value of" and replace "this" with "true and full value means"

Page 1, line 14, remove "includes" and replace "and" with ". In determining the value by this approach, the assessor shall consider the restrictions imposed on the property by the subsidy program."

Page 1, remove lines 15 through 21

Page 1, line 22, remove "(2)"

Page 2, line 6, after "instrumentality" insert ", or their successors"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2352: Industry, Business and Labor Committee (Sen. Mutch, 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 2352 was placed on the Sixth order on the calendar.

Page 2, line 2, after "business" insert "or a physical or economic expansion of a primary sector business"

Page 5, line 4, after "business" insert "or a physical or economic expansion of a primary setor business"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2354: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2354 was placed on the Sixth order on the calendar.

Page 2, line 15, replace "at the following fee-for-service rates: ten" with a period

Page 2, remove lines 16 through 21

Page 3, line 17, remove "auditor"

Page 3, line 18, replace "if" with "in the same manner it would audit a nonreligious organization's use of funds under this section. If"

Page 3, line 19, remove "but"

Page 3, line 25, replace "in the" with "from special funds derived from federal funds and other income for the temporary assistance to needy families program"

Page 3, line 26, remove "general fund in the state treasury, not otherwise appropriated"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2361: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2361 was placed on the Sixth order on the calendar.

Page 1, line 3, after "adoption" insert "; and to provide an appropriation"

Page 2, line 10, replace "and" with an underscored comma and after "updated" insert ", and if needed, reprinted"

Page 2, line 14, replace "establish" with "contract with a nonprofit private entity for the establishment and operation of" and replace "number" with "referral service"

Page 2, line 17, replace "number" with "referral service"

Page 2, after line 18, insert:

**"SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and from other income, the sum of \$39,000, or so much of the sum as may be necessary, to the state department of health for the purpose of contracting with a nonprofit entity for the establishment and operation of a statewide, toll-free telephone referral service through which a person seeking services to assist a woman through pregnancy, childbirth, or adoption is referred to an appropriate service agency."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2367: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2367 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2370: Industry, Business and Labor Committee (Sen. Mutch, 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 2370 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 authorization of currency exchange businesses; and to provide a penalty.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:****SECTION 1. Currency exchange - Penalty.**

1. A nonbanking institution may engage in the business of a currency exchange if:
  - a. The institution does not contract with another person to manage the currency exchange business; however, this does not prohibit the business from employing individuals to operate a currency exchange business;
  - b. The institution displays in a prominent manner on the premises of the business the fees charged to exchange currency;
  - c. The maximum fees charged to exchange currency are limited to any direct cost of verification fees and:
    - (1) The greater of ten percent of the face amount or five dollars, for cashing a draft, personal check, traveler's check, or money order;
    - (2) The greater of five percent of the face amount or five dollars, for cashing a payment instrument such as a payroll check;
    - (3) The greater of six percent of the face amount or five dollars, for cashing a payment instrument such as a payroll check, without identification;
    - (4) The greater of three percent of the face amount or five dollars, for cashing a state public assistance check or a federal social security check; and
    - (5) The greater of four percent of the face amount or five dollars, for cashing a state public assistance check or a federal social security check, without proof of identification;
  - d. The institution does not accept money or currency for deposit or act as bailee or agent of persons to hold money or currency in escrow for others for any purpose; and
  - e. The institution does not exchange currency on the premises of a charitable gaming site.
2. For purposes of this section, "currency exchange" means cashing a check, draft, money order, or traveler's check or issuing a money order or traveler's check as an agent for another, for a fee. The term does not include providing these services incidental to a primary business if there is not a charge for cashing a check or draft.
3. This section does not authorize a business to make any type of loan, including a deferred presentment service transaction, payday loan, cash advance, payday cash advance, or motor vehicle title loan.
4. A nonbanking institution may not accept a postdated check in a currency exchange transaction.
5. A person violating this section is guilty of a class B misdemeanor."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2381: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2381 was placed on the Sixth order on the calendar.

Page 2, line 5, after "wager" insert "made on an account established in this state" and replace "a" with "the"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2396: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2396 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2401: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2401 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4017: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4017 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE BILL**

Sens. Cook, Nething introduced:

(Approved by the Delayed Bills Committee)

**SB 2455:** A BILL for an Act to adopt a Simplified Sales and Use Tax Administration Act. Was read the first time and referred to the **Finance and Taxation Committee**.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. T. Mathern, Lee and Reps. Cleary, Price introduced:

**SCR 4034:** A concurrent resolution directing the Legislative Council to study the issues and concerns of implementing charitable choice, the privatization of federally funded welfare services through faith-based organizations.

Was read the first time and referred to the **Human Services Committee**.

**FIRST READING OF HOUSE BILLS**

**HB 1025:** A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

Was read the first time and referred to the **Appropriations Committee**.

**HB 1099:** A BILL for an Act to create and enact a new subsection to section 54-52-04 of the North Dakota Century Code, relating to state retirement board authority over excess uniform group insurance program funds; to amend and reenact subsection 4 of section 54-52.1-01, subsection 3 of section 54-52.1-03, and sections 54-52.1-03.3, 54-52.1-06, and 54-52.1-11 of the North Dakota Century Code, relating to the definition of eligible employee, retiree eligibility for the group health insurance program and retiree health benefits, and excess funds and confidentiality of records under the uniform group insurance program; and to provide a transfer.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1101:** A BILL for an Act to amend and reenact subsection 4 of section 15-39.1-04, subdivision a of subsection 11 of section 15-39.1-04, and sections 15-39.1-16, 15-39.1-19.1, and 15-39.1-30 of the North Dakota Century Code, relating to definitions, annuities, participation by retired members who have resumed teaching, and confidentiality of records under the teachers' fund for retirement.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1105:** A BILL for an Act to provide for a computerized central indexing system; to create and enact section 41-05-18 and a new chapter 41-09 of the North Dakota Century Code, relating to Uniform Commercial Code Article 9 - Secured Transactions; to amend and reenact subsection 5 of section 11-18-05, sections 32-20-08 and 35-06-11, subdivision a of subsection 1 of section 35-29-04, subsection 2 of section 35-32-02, section 35-34-06, subsection 2 of section 41-01-05, section 41-01-10.5, subsections 9 and 32 and subdivision a of subsection 37 of section 41-01-11, subsection 2 of section 41-01-16, subdivision d of subsection 3 of section 41-02-03, sections 41-02-17, 41-02-43, and 41-02-50, subsection 3 of section 41-02-95, subsection 3 of section 41-02.1-03, sections 41-02.1-33 and 41-02.1-37, subdivision b of subsection 1 of section 41-02.1-39, subdivision a of subsection 3 of section 41-04-22, subdivision a of subsection 1 of section 41-07-32, subsection 6 of section 41-08-03, section 41-08-06, subsection 5 of section 41-08-10, subdivision c of subsection 1 of section 41-08-27, subsection 1 of section 41-08-28, section 41-08-50, subsection 12 of section 47-19-02, subdivision a of subsection 2 of section 49-04-19, and section 54-09-08 of the North Dakota Century Code, relating to the Uniform Commercial Code; to repeal present

chapter 41-09 of the North Dakota Century Code, relating to secured transactions; and to provide an appropriation.

Was read the first time and referred to the **Judiciary Committee**.

**HB 1123:** A BILL for an Act to amend and reenact section 44-08-01 of the North Dakota Century Code, relating to preference to North Dakota bidders for services and specifying name brand merchandise.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1125:** A BILL for an Act for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to office of management and budget standards and guidelines for the acquisition of services; and to amend and reenact subsection 7 of section 54-44.4-02, section 54-44.4-05, and subsections 1 and 4 of section 54-44.4-09 of the North Dakota Century Code, relating to justification for emergency purchases, variations on competitive bidding, and exemptions from vendor registration.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1151:** A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to construction of a Devils Lake outlet; to amend and reenact subdivision e of subsection 1 of section 61-01-26.2, subsections 7 and 9 of section 61-02.1-01, and subsection 3 of section 61-02.1-02 of the North Dakota Century Code, relating to bonding for a Devils Lake outlet; and to declare an emergency.

Was read the first time and referred to the **Natural Resources Committee**.

**HB 1216:** A BILL for an Act to amend and reenact subsections 1 and 2 of section 54-52.6-02 and section 54-52.6-03 of the North Dakota Century Code, relating to participation in the defined contribution retirement plan.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1297:** A BILL for an Act to create and enact a new section to chapter 23-20.3 of the North Dakota Century Code, relating to liability of property owners for hazardous waste on their property; and to amend and reenact section 23-31-01 of the North Dakota Century Code, relating to the recovery of costs of environmental emergencies.

Was read the first time and referred to the **Natural Resources Committee**.

**HB 1425:** A BILL for an Act to amend and reenact subsections 1 and 3 of section 10-06.1-10 of the North Dakota Century Code, relating to acquisition of farmland or ranchland by nonprofit organizations; and to provide an expiration date.

Was read the first time and referred to the **Natural Resources Committee**.

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

**WILLIAM R. HORTON, Secretary**

