

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, March 21, 2007

The Senate was on the Fourth, Fifth, and Thirteenth orders of business pursuant to Sen. Christmann's motion.

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

MR. PRESIDENT: The House has passed unchanged: SB 2160, SB 2201, SB 2305.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2077, SB 2100, SB 2169, SB 2344.

HOUSE AMENDMENTS TO SENATE BILL NO. 2077

Page 1, line 1, after "reenact" insert "subsection 1 of section 54-17.7-08 as created by House Bill No. 1128," and after "64-02-02" insert a comma

Page 1, line 2, after "to" insert "the applicability of pipeline safety jurisdiction to the pipeline authority," and after "devices" insert a comma

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. If House Bill No. 1128 is approved by the sixtieth legislative assembly and becomes effective, subsection 1 of section 54-17.7-08 is amended and reenacted as follows:

1. Until sold or disposed of by the authority, the authority and the pipeline facilities built under this chapter are exempt from the provisions of title 49 except for chapter 49-22 and ~~section~~ sections 49-02-01.2 and 49-07-05.1. Upon sale or disposal by the authority, pipeline facilities built under this chapter are subject to the provisions of title 49."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2100

Page 1, line 2, replace "50-25.1-05.3" with "50-25.1-05"

Page 1, line 6, after the comma insert "information available for use in assessments,"

Page 1, line 16, remove the overstrike over "or", remove the overstrike over the overstruck semicolon and insert immediately thereafter "or", and remove the overstrike over "~~an employee of~~"

Page 1, line 17, after "in" insert an underscored comma and remove the overstrike over "~~public or private school or~~"

Page 4, line 15, remove "veterinarian,"

Page 4, line 17, remove "or"

Page 4, line 18, remove "school personnel, schoolbus driver"

Page 5, replace lines 23 through 30 with:

"SECTION 5. AMENDMENT. Section 50-25.1-05 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-05. Assessment.

1. The department, in accordance with rules adopted by the department, immediately shall initiate an assessment, or cause an assessment, of any report of child abuse or neglect including, when appropriate, the assessment of the home or the residence of the child, any school or child

care facility attended by the child, and the circumstances surrounding the report of abuse or neglect.

2. If the report alleges a violation of a criminal statute involving sexual or physical abuse, the department and an appropriate law enforcement agency shall coordinate the planning and execution of their investigation efforts to avoid a duplication of factfinding efforts and multiple interviews. The department or the law enforcement agency may ~~refer~~:
 - a. Refer the case to a children's advocacy center for a forensic interview, forensic medical examination, and other services. ~~The department or appropriate law enforcement agency may interview~~
 - b. Interview, without the consent of a person responsible for the child's welfare, the alleged abused or neglected child and any other child who currently resides or who has resided with the person responsible for the child's welfare or the alleged perpetrator. ~~The department or law enforcement agency may conduct~~
 - c. Conduct the interview at a school, child care facility, or any other place where the alleged abused or neglected child or other child is found.
3. Except as prohibited under title 42, Code of Federal Regulations, part 2, a regional human service center shall disclose to the department or the department's authorized agent, upon request, the records of a patient or client which are relevant to an assessment of reported child abuse or neglect."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2169

Page 1, line 4, remove "and"

Page 1, line 5, after "guidelines" insert "; and to provide for a legislative council study"

Page 1, line 11, replace the first "telephone" with "service" and replace the second "telephone" with "service"

Page 2, line 6, remove "and any associated"

Page 2, line 7, remove "equipment and personnel"

Page 2, line 13, remove the first "telephone" and remove the second "telephone"

Page 6, line 10, remove "telephone"

Page 6, line 11, after "based" insert "either"

Page 6, line 13, after "month" insert "or upon a two percent assessment on the gross revenue received from the sale of prepaid wireless services each month"

Page 13, after line 5, insert:

"SECTION 11. LEGISLATIVE COUNCIL STUDY - E911 FEES PAID ON PREPAID WIRELESS. The legislative council shall consider studying, during the 2007-08 interim, the feasibility and desirability of collecting emergency 911 fees on the sale of prepaid wireless services. The study must include an evaluation of methods by which E911 fees may be collected from end users and purchasers of prepaid wireless services on an equitable, efficient, competitively neutral, and nondiscriminatory basis and a review of whether the collection of fees on prepaid wireless services would constitute an efficient use of public funds, given the technological and practical considerations of collecting the fees. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2344

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of food and catering services by institutions of higher education and school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-17.4 of the North Dakota Century Code is amended and reenacted as follows:

15-10-17.4. Contract - Preparation and provision of meals - Policy.

1. An institution under the control of the state board of higher education may enter a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the institution and may provide catering services for an event if the event is organized predominantly for persons affiliated with the institution, the event is held predominantly for persons enrolled in the institution, or the event is held under the auspices of the institution, provided the institution first establishes a policy regarding such ~~contracts~~ services and specifically addressing addresses issues related to competition with private sector entities.
2. The limitations provided under subsection 1 do not apply to an institution under the control of the state board of higher education if no private sector entity located in the same city as the institution is capable and willing to meet the facility or personnel requirements necessary to:
 - a. Prepare and provide the meals, snacks, or other food services for a specific event; or
 - b. Provide the catering services for a specific event.
3. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide ~~meals, snacks, or other food services for persons or programs not affiliated with the institution~~ the services permitted under this section.

SECTION 2. AMENDMENT. Section 15.1-35-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-35-08. Contract - Preparation and provision of meals.

1. The board of a school district may prepare and provide meals, snacks, or other food services for any events or programs occurring on or off school property, provided the events or programs:
 - a. Are hosted by or under the auspices of the school district; or
 - b. Involve child care centers participating in the Child and Adult Care Food Program [Pub. L. 108-265; 118 Stat. 729; 42 U.S.C. 1766 et seq.].
2. a. The board of a school district may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the school district other than those in subsection 1, provided any person that wishes to enter a contract with the board under this section subdivision first demonstrates to the satisfaction of the board that there are no private entities able and willing to enter into such a contract.
- 2- b. The board of a school district may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the district under this section.
- 3- An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks,

~~or other food services for persons or programs not affiliated with the institution."~~

Renumber accordingly

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1119, HB 1124, HB 1274, HB 1400, HB 1450, HB 1455, HB 1471, HB 1511, HCR 3037, HCR 3057, HCR 3061.

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

MR. SPEAKER: The President has signed: HB 1038, HB 1164.

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

MR. SPEAKER: Your signature is respectfully requested on: SCR 4004, SCR 4011, SCR 4013, SCR 4015, SCR 4020, SCR 4021, SCR 4031.

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

MR. PRESIDENT: The Speaker has signed: SCR 4004, SCR 4011, SCR 4013, SCR 4015, SCR 4020, SCR 4021, SCR 4031.

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

MR. PRESIDENT: The Speaker has signed: SB 2117, SB 2155, SB 2237, SB 2239, SB 2278, SB 2321.

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

MR. PRESIDENT: The Speaker has signed: HB 1008, HB 1013, HB 1024, HB 1055, HB 1059, HB 1063, HB 1067, HB 1078, HB 1081, HB 1082, HB 1090, HB 1101, HB 1118, HB 1121, HB 1135, HB 1158, HB 1161, HB 1162, HB 1179, HB 1181, HB 1183, HB 1225, HB 1231, HB 1299, HB 1328, HB 1331, HB 1346, HB 1350, HB 1355, HB 1357, HB 1358, HB 1369, HB 1378, HB 1381, HB 1386, HB 1393, HB 1396, HB 1398, HB 1411, HB 1414.

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

MR. PRESIDENT: The Speaker has signed: HB 1099, HB 1324, HB 1425, HB 1452, HB 1476, HB 1479, HB 1506.

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

MR. PRESIDENT: The Speaker has signed: HCR 3002, HCR 3008, HCR 3012, HCR 3013, HCR 3024, HCR 3039.

REPORT OF STANDING COMMITTEE

SCR 4034: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4034 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1138, as amended, Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1138, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1260: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1260 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 15.1-12-24 and"

Page 1, line 2, after "to" insert "the definition of a nonoperating school district and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 15.1-12-24 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-24. Nonoperating school district - Reorganization or dissolution.

A school district that ~~ceases to provide educational services within the district~~ no longer operates at least one school approved by the superintendent of public instruction under section 15.1-06-06 must become, within one year, through a process of reorganization or dissolution, part of a district operating an approved school. If a school district affected by this section has not become part of a district operating an approved school

within the prescribed time limit, the school district must be dissolved. This section does not apply to military installation school districts."

Page 3, line 6, replace "five" with "fifteen"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1359: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1359 was placed on the Sixth order on the calendar.

Page 1, line 2, after "trucks" insert "; and to provide an expiration date"

Page 1, after line 10, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2009, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3022: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3022 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3036: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3036 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3041: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3041 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3043: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3043 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3045, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3045 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "ten"

Page 1, line 18, after the underscored period insert "Beginning in 2011, at the beginning of each biennium immediately following a biennium in which revenue from taxes imposed on oil and gas was deposited in the permanent oil tax trust fund, the state treasurer shall adjust the dollar threshold amount as determined under this section for transfers to the permanent oil tax trust fund by applying to that amount the rate of change since the beginning of the previous biennium in the consumer price index for all urban consumers, all items, United States city average, or any successor index, as calculated by the United States department of labor, bureau of labor statistics."

Renumber accordingly

William R. Horton, Secretary

